

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: Ms. Carol Mitten, Chair
District of Columbia Zoning Commission

FROM: Stephen Cochran, Zoning and Special Projects Planner *SK*

SUBJECT: Zoning Commission Case No. 02-17PUD
Corrections to Final Office of Planning Report on Proposed One-Stage Planned Unit
Development (PUD) With Related Map Amendment at 5401 Western Avenue, NW --
Square 1663, Lot 805 and a Portion of Lot 7

DATE: November 14, 2002

The attached revised report was distributed by the Office of Planning (OP) on November 7, 2002. It is essentially the same report OP filed with the Zoning Commission on November 4, 2002, with the addition of minor consistently corrections that more completely reflected the revisions made to the proposed project in the applicant's October 25, 2002 submission. The corrections are highlighted in the document, as explained at the beginning of the corrected report.

The applicant, the ANC and members of the community were given copies of the corrected report on November 7. OP is transmitting this report to the Commission now in the event the Commission has not yet seen it.

In addition, an additional map is included as Attachment 5A, and an errata sheet correcting two additional typographical errors is attached to the end of the report.

ZONING COMMISSION
District of Columbia
Case 02-17
Exhibit 146

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: 
Andrew Altman, Director

SUBJECT: Final Report, Zoning Commission Case No. 02- 17PUD
A Proposed One-Stage Planned Unit Development (PUD) With Related Map
Amendment at 5401 Western Avenue, NW--Square 1663, Lot 805 and a Portion of Lot 7

DATE: November 4, 2002
Corrected November 7, 2002

Corrections are in SMALL, BOLD CAPS; deletions are ~~struck through~~ All are consistency corrections, other than those on pages 1, 20 and 31 regarding the location of parking spaces if > 110 but ≤ 125 units are built.

I. APPLICATION SUMMARY

The Zoning Commission has scheduled a public hearing on an application by Stonebridge Associates (the applicant) for the consolidated approval of a one-stage Planned Unit Development (PUD) and related zoning map amendment for the site of the Washington Clinic, and a portion of the Lisner Home property, located at the intersection of Military Road and Western Avenue in the Friendship Heights neighborhood of Northwest Washington.

The applicant has revised the application since the setdown hearing as a result of the dialogue with the community and with the Office of Planning (OP). This was strongly encouraged by the Commission. This process of revision continued as late as October 25, 2002. The latest revised application requests approval of a PUD for a 184,128 square foot building, still on 58,220 square feet of land. The project would contain no more than 125 condominium residences, 4-6¹ of which would be reserved for purchasers earning no more than 80% of the area median income (AMI). There would be ~~149~~ **125 – 142 PARKING SPACES FOR 110 TO 125 RESIDENTIAL UNITS**² parking spaces and no retail. The revised building would have a legal height of 78.75 feet and would be located parallel to Western Avenue. It would not have a perpendicular wing projecting towards Military Road. The day care center would now be a separate 2- story structure located along Western Avenue, to the west of the entrance to the Lisner Home. The PUD-associated zoning change request is now for only the 80% of the site that is in Lot 805, and is for a less intense zone than previously sought. The applicant now requests a change from R-5-B to R-5-C³ on the Washington Clinic property. No change is requested for the R-2 zoning on the

¹ Net square footage equal to 5% of the net bonus square footage under the UPD.

² ~~Including 7 surface spaces for visitors and 17 spaces parked in tandem with 17 other spaces-- SHEET A 4 CALCULATES PARKING ON THE BASIS OF 110 RESIDENTIAL UNITS. THE APPLICANT GUARANTEES 1.1 SPACES PER UNIT & 4 FOR DAY CARE CENTER, BUT HAS NOT SHOWN A PLAN THAT INCLUDES THE 142 SPACE OPTION.~~

³ (plus 5% for height and density pursuant to TI DCMR § 2405.3)

14,380 15,000 square feet of Lisner Home property the applicant still plans to purchase. Additionally, the applicant is no longer requesting flexibility on the set-back for the mechanical penthouse, or from the side yard requirements of the Zoning Regulations.

The project is located in a Comprehensive Plan-designated Housing Opportunity Area. The building would be approximately 300 feet east of the Metro station entrance at the intersection of Wisconsin and Western Avenues, and immediately across the street from the Metro entrance within the Chevy Chase Pavilion

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning strongly recommends the Zoning Commission (the Commission) approve the application, subject to conditions noted in later sections, and subject to the provision of additional information noted later. Development of the condominiums proposed by the applicant for this site, at a density greater than would be allowed under matter-of-right zoning, is consistent with the Comprehensive Plan. The revised plan achieves an unusually high level of public benefits for a residential PUD. It does this without significant negative impact on the surrounding neighborhood.

II. SITE AND AREA CONTEXT (*Attachment 1*)

The site is in the mixed-use Friendship Heights neighborhood of northwest Washington, abutting the border with the State of Maryland. The site is just east of the intersection of Wisconsin and Western Avenues, both major arterial roads. It is bordered by Western Avenue on the north, Military Road (a minor arterial) on the south, and property belonging to the Louise Lisner Dickson Hurt Home (Lisner Home), a community residence facility for the elderly, on the east.

Friendship Heights is a rapidly growing regional center that straddles the District/ Maryland border. (*See Table 1 for a list of major projects*). While the District side is designated in the Comprehensive Plan as one of only two Regional Commercial Centers in the city, the Maryland side is designated a Central Business District. It is important to view the proposed development in the context of pending development in both jurisdictions.

In Maryland, the newer, denser development extends for several blocks back from the intersection of Wisconsin and Western Avenues. It has been accompanied by the construction of additional road capacity, particularly on Friendship Boulevard. Development has included or will include several office buildings, rising as high as 19 stories; a new department store; a hotel; specialty retail shops; restaurants; an expanded grocery store; many high-rise apartment buildings; and several thousand structured parking spaces. Approximately 2 million square feet of development, including approximately 800 apartments, are planned.

The District portion of the neighborhood retains a more traditional development pattern, where single-family houses are located one block back from the higher-density development in the squares that have frontage on Wisconsin Avenue. At present, within the District's portion of Friendship Heights, there is only one major development that is not within a square having frontage on Wisconsin Avenue. This is the Lord & Taylor department store, two blocks west of the intersection of Wisconsin and Western Avenues. The Friendship Heights Sectional Development Plan⁴ envisions additional development between Wisconsin Avenue and the Lord & Taylor store.

The District has not built new roads or substantially widened existing ones. Even the limited road improvements envisioned in the Sector Plan have not, and will not, be built. Traffic calming measures have been installed. While retaining more of the existing neighborhood than did Maryland, the District has accommodated significant new retail, commercial and residential development. This includes the recently renovated Mazza Gallerie retail mall; the Chevy Chase Pavilion retail mall; the Embassy Suites hotel; retail development including Border's Books, Maggiano's Restaurant, Linens and Things, Roche Bobois, commercial space and professional offices, and new townhouses along 43rd Street.

The proposed project at 5401 Western Avenue is the only currently pending development on the District side of Friendship Heights. However, the Washington Metropolitan Area Transit Authority (WMATA) will likely be filing an application for a mixed-use PUD for its Western Bus Garage site. Additional development is anticipated to the south, in the Tenleytown neighborhood.

Table 1: Larger existing and planned developments in Friendship Heights, DC and MD.

DEVELOPMENT OR PROJECT	DC OR MD	EXIST. SF (OR # APTS.)	PROPOSED SF (# APTS.)	HEIGHT	FAR
Mazza Gallerie	DC	325,000[290,000 retail; 35,000 cinema]	n/a	65''	3.0
Chevy Chase Pavilion PUD (hotel, office, retail)	DC	490,237 sf	N/a	100 feet	5.175
Chevy Chase Plaza PUD, I (Office/Retail)	DC	174,218 SF (31,676 retail; 129,872 office; 10,140 [5 units] res.; 2530 sf child care)	N/a	90 feet	5.15
Friendship Center (Chevy Chase Plaza PUD II) (retail/residential)	DC	177,400 sf (94,400sf retail; 83,000 sf res. in 29 townhouses)	N/a	54', Wisc. 45', 43 rd St.	1.86
WMATA Bus Garage	DC	N/a	60,000 sf retail plus 400 apts		
Metro Building	MD	228,000 SF	N/a	143 feet	

⁴ National Capital Planning Commission. October 4, 1973. Adopted by DC Zoning Commission in Order No. 87, February 12, 1974.

		office, minor retail			
Chase Tower	MD	226,252 SF office; 23,645 SF retail/car wash	N/a		
<i>Chevy Chase Ctr.</i>	<i>MD</i>	<i>98,000 SF</i>	<i>300,000 SF office; 112,000 retail</i>	<i>90'. 40 feet</i>	
<i>Wisconsin Place (Hecht's)</i>	<i>MD</i>	176,188	450,000 SF office; 300,000 retail; 300,000 SF apts (275 units) [1.05 M SF total]	143'; 54'' 120'	2.7
<i>GEICO</i>	<i>MD</i>	514, 257 SF	810,000 SF commercial; 500 apt. and townhouse units	Approx. 100' & 50'	tbd

There are no major historic sites or districts in the immediate vicinity.

III. EXISTING ZONING AND ZONING HISTORY

With respect to current zoning (*Attachment 2*), Lot 805, the Washington Clinic portion of the site, is zoned R-5-B. This comprises 75% of the applicant's site. The Lisner Home portion of the site, a part of Lot 7, is zoned R-2. To the west, across Wisconsin Avenue, the Mazza Gallerie site is zoned C-3-A. To the east and southeast, the R-2 zone prevails to within a few feet of Connecticut Avenue. Directly south, the underlying zoning for Square 1661 is split between ~~C-2~~ AMONG C-3-A, C-2-B and R-5-B⁵.

The underlying zoning was established by the 1974 rezoning of the Friendship Heights, DC Uptown Center (now classified in the Comprehensive Plan as a Regional Commercial Center). This rezoning effectuated the recommendations of the 1973 Friendship Heights (DC) Sectional Development Plan. The plan's objective was to channel and limit growth and traffic congestion by creating a moderate density mixed use core separated by a ring road, open space and green buffers from the surrounding single family homes. On the east side of Wisconsin Avenue, the rezoning favored commercial districts along Wisconsin Avenue, with the most intense zoning (C-3-A) being at the intersection of Wisconsin and Western Avenues and less intense zoning (C-2-B) in the blocks to the south. With the exception of land at the intersection of Wisconsin and Western Avenues, the commercial zoning was less intense than the C-3-A zoning that had existed prior to 1975. For these same Squares, the block faces behind Wisconsin Avenue were upzoned from R-2 to R-5-B. The Washington Clinic site was down-zoned from C-3-A to R-5-B. (*See Attachments 5 and 6 for the existing 1973 zoning and the 1974 recommended re-zoning*).

It is important to note that the Washington Clinic's zoning was up-zoned from R-2 to C-3-A in the early 1960's, before the adoption of the regional Metrorail system, and before the demise of the freeway plan

⁵ **THREE PUDS HAVE BEEN BUILT ON THIS SQUARE. THE ASSOCIATED ZONING FOR THE ENTIRE SQUARE IS C-3-B AND R-5-D.**

that would have gone through lower Montgomery County and Upper Northwest Washington. The 1974 rezoning, which post-dated the adoption of the Metrorail system plan, actually *downzoned* the Clinic site from “Medium Bulk Major Business and Employment” to “Medium Density Residential” (1974 Sectional Plan, Map No. 1).⁶ This is contrary to assumptions that have underlain many discussions in the last year.

OP notes that, while the Clinic site is currently zoned R-5-B, this zone district is described in 11DCMR §350.2 as being appropriate for “moderate height and density”. §350.2 describes the R-5-C zone as “a medium height and density” district.

The recommended ring road (*See Attachment 6*) would have extended Wisconsin Circle (in Maryland) southward to Military Road, along the border between the Washington Clinic and the Lisner Home. South of Military it would have connected with a slightly widened 43rd Street, then turned west from there to Jennifer Street and then proceeded north to Friendship Boulevard and Willard Avenue in Maryland. The ring road and a buffer of greenery and open space (A Plan for the Friendship Heights Area of the District of Columbia, May 31, 1973, Map No. 3) were intended to protect the adjacent R-2 neighborhood from the mixed-use core. As Attachments 6 and 7 indicate, the Washington Clinic site was within that core; the Lisner Home site was not.

The adoption of the plan was accompanied by changes to the discretionary limits of the R-5-B zone. At the time, R-5-B PUDs were permitted to rise to a maximum of 90 feet, but were limited to an FAR of 2.0. In its Order for Case. No. 73-30, the Commission increased the permitted FAR for PUDs in the R-5-B zone district to 3.0. It did this for three reasons: the recognition of the need for more market incentive to build apartments within the R-5-B zone; the desire to have more design review of such development, which the PUD process afforded; and the desire to provide a development density alternative between the 2.0 of the then-existing R-5-B PUD and the matter of right 3.5 density of what was then the R-5-C zone.

The Zoning Commission has used the 1974 Sector Plan to guide its subsequent decisions, but has also exercised its own discretion since then. Square 1661, the Square immediately south of the proposed development, provides an example of the plan’s use. The entire square has been developed with three PUDS that included associated PUD-related zoning changes.

- At 5335 Wisconsin Avenue (the Chevy Chase Pavilion and Embassy Suites Hotel) the PUD included associated rezoning from C-2-B, C-3-A and R-5-B to C-3-B. Order No. 517 (1987) allowed an overall FAR of 5.175 for the hotel, office and retail use. Maximum height was to have been 100 feet. The principal amenities were a vest-pocket park at 43rd Street and Military Road, superior landscaping and a direct connection to Metro. There was not a residential component *per se*.
- At 5301 Wisconsin Avenue, the PUD includes associated rezoning from C-2-B and R-5-B to C-3-B and R-5-C⁷. Order No. 519 (1987) permitted a mixed-use project with an overall FAR of 5.15, limited to 4.9 FAR for the commercial uses. The height limit was 90 feet. The

⁶ The 1974 Plan assumed a modal split of 30% for Metro use. According to DDOT and WMATA, current usage is 50%.

⁷ The 1987 R-5-C zone district is the equivalent of the present R-5-D zone district.

principal amenity was a day care center where 50% of the served children were to be from the neighborhood. A secondary amenity was a traffic diverter at 43rd and Jennifer Streets.

- At 5333 Wisconsin Avenue, an approved PUD would have included associated rezoning from C-2-B and R-5-B to C-3-B and R-5-C⁸. This PUD was approved (Order No. 528 [1987]) for a 110 foot office building along Wisconsin Avenue and 40-48 feet for the residences. Due to market conditions, this PUD was not built, and the PUD which supplanted it (Order No. 528-D [1996]) had a considerably shorter office component. The principal amenities appear to have been superior design, a direct connection for building tenants to Metro and an agreement to build the residential component facing 43rd Streets to heights of 40 and 48 feet, rather than the 90 feet that would otherwise have been permitted for a PUD with the existing zoning.

As illustrated above, the zoning-related implementation of the 1974 Sector Plan has had a mixed record. Because the rezoning reduced the footprint of commercially zoned land, development has been less intense than would have been permitted prior to the Sector Plan's rezoning, but the zoning associated with the PUDs was more intense than recommended by the plan. Some parks, green space and housing has been constructed along the west side of 43rd Street, and the height along that side of 43rd Street has ranged from 39 feet to 48 feet for a depth ranging from 90 feet from the eastern curb of 43rd Street at the southern end of the block to approximately 230 feet back from the western curb of 43rd Street at the northern end of the block.

IV. APPLICATION SUMMARY

The applicant is the contract purchaser for the 43,840 SF site currently occupied by the Washington Clinic and used for outpatient medical services. It is also the contract purchaser for ~~14,380~~ 15,000 square feet of undeveloped land from the adjacent Lisner Louise Dixon Hurt Home. The Washington Clinic has already decided it will cease operation as a clinic and move out of its present location in the near future. The applicant would demolish the Washington Clinic building. The Lisner Home has publicly stated it has no plans for moving from its site, or for developing its property.

The modified application that the Commission will be considering on November 14 has been scaled down considerably from the one which was described in OP's Preliminary Report dated May 31, 2001. This original proposal was for a building approximately 50,000 square feet larger and two stories higher; it included a shorter wing that would have been closer to the R-2- zone district than the current proposal. It proposed the construction of 215-225 rental apartments, 7,200 square feet of convenience retail, and a ~~3,000 square foot day care center within the building~~ "TOT-LOT FOR A NEARBY DAYCARE CENTER". It would have required the excavation of an additional floor of parking and the removal of all trees on both the Washington Clinic and Lisner portion of the property. It requested a PUD-related rezoning to R-5-D of both the Washington Clinic site and the portion of the Lisner Home property planned for purchase.

Since then, Stonebridge has submitted two revised versions of its application: one in its August pre-hearing statement, and a more current proposal dated October 25, 2002.

⁸ Ibid.

Table 2: Comparison of August 2002 and October 2002 Proposals by Stonebridge

	<i>Stonebridge August Submission</i>	<i>Stonebridge Revised Plan October 2002</i>
Zoning	R-5-D PUD (entire site)	R-5-C PUD for Clinic Land R-2 for Lisner Land
Units	185 – 215 – Rental	No more than 125 Condominium units 4-6 of 125 units “affordable” at no more than 80% AMI
Height / Floors - Western	90 Feet / ground + nine stories	78.75 Feet (75 feet permitted under R-5-C plus 5% pursuant to 11 DCMR 2405.3) – ground + seven stories
Military Road “Wing”	75 Feet / ground + seven stories	None
Density: Square Feet	235,360	Maximum of 184,128 185,000 (182K RES., 3K DAYCARE)
FAR	4.00	Total not to exceed 3.16 for the combined 43,840 square feet of Clinic property and 15,000 square feet of Lisner property. Not to exceed 4.2 4.15 for the residential building on the Clinic land only (4.0 permitted under R-5-C plus 5% pursuant to 11 DCMR 2405.3). Not to exceed 0.4 FAR on the Lisner land only.
Parking	1.1 space per unit (inclusive of visitor parking spaces and required parking for day care center)	1.1 space per unit (inclusive of 7-8 visitor parking spaces and required parking for day care center).
Location of Development	Construction covering both the Clinic and the Lisner land	Residential improvements and underground parking located only on Clinic land. Day care center and visitor parking to be located on Lisner land.
Access	<ul style="list-style-type: none"> Single access point at Western & Wisconsin Circle 	<ul style="list-style-type: none"> Separate residential access at Western & Wisconsin Circle, loading and visitor access approx. 75’ north; residential curb drop-off on Military Road

Mitigation	<ul style="list-style-type: none"> • Traffic Mitigation (e.g., relocated light @ Western & Wisc. Crcl.; traffic calming measures; signal optimization. • More parking than required by regulation 	<ul style="list-style-type: none"> • Essentially same, plus • Excavation of two, rather than three below grade parking levels – potentially reducing or eliminating need for blasting • 100’ increase in distance between project and nearest residence (230’ from single-family/ 180’ from townhouse)
Lot Coverage	<ul style="list-style-type: none"> • 46% on total site 	<ul style="list-style-type: none"> • 45% on total site (53% on Washington Clinic portion; 20% on Lisner portion)
Public Benefits	<ul style="list-style-type: none"> • Housing • Additional Tax Revenue 	<ul style="list-style-type: none"> ▪ Housing • Additional Tax Revenue • Home Ownership • Affordable Housing
Amenities	<ul style="list-style-type: none"> ▪ Day Care Center ▪ Chevy Chase Park Improvements ▪ “Activated” Pedestrian Path / Landscaping ▪ Open Space and Tree Preservation ▪ Traffic Mitigation ▪ Safety Improvements 	<ul style="list-style-type: none"> ▪ Day Care Center ▪ Chevy Chase Park Improvements ▪ “Green” Pedestrian Path / Landscaping ▪ Open Space (20,000 SF) ▪ More Tree Preservation ▪ More Traffic Mitigation ▪ Safety Improvements <ul style="list-style-type: none"> ○ (e.g., cross-walk improvements) ▪ Parking in excess of that required by zoning and by the market, including some Free Visitor Parking

Requested Relief

To build the project, the applicant is requesting Commission approval of the following:

- Approval of a one-step PUD (11 DCMR, Section 2406.11;
- Related zoning map amendments from R-5-B to R-5-C for all of Lot 805 (43,840 SF) (11 DCMR, Section 2406.2)
- 5% discretionary increase in R-5-C FAR and Height (11 DCMR, Section 2405.3)
- Permission to permit more than 25 Children in Day Care Center (11DCMR, Section 350.4(g)).

TABLE 3: DEVELOPMENT COMPARISONS FOR 5401 WESTERN AVENUE SITE

SITE R-5-B: 43,840sf R-2: 15,000sf Total: 58,840	Pro-rated R-5-B/ R- 2 M-O-R GSF	Pro-Rated R-5- B /R-2 w/ PUD	Entirely R-5-D with PUD As Proposed @ Setdown	Entirely R-5-D with PUD Submitted in Pre- Hearing Statement (Aug. 20)	R-5-C w/ PUD & 5% for Clinic; R-2 for 15K SF of Clinic site (October 25, '02 proposal)
FAR	R-5-B: 1.8 R-2: n/a	R-5-B: 3.0 R-2: .4	Commission could permit up to 4.5 approximately 4.0 requested	Up to 4.0 is proposed	4.15 for the residential building on the Clinic land only; 0.4 FAR on the Lisner land only. Average of 3.14
Lot Occ.	R-5-B: 60% R-2: 40%	60%	Commission could permit 75%; 55% requested	46%	45% (53% on R-5-C Clinic site; 20 % on R-2 Lisner)
Height	50'	60'	Commission could permit up to 90' 90', 73', 43' requested, plus penthouse	90', w/ 11' penthouse; no Lisner wing; 75' on Military for 130' from intersection w/ Western	78.75 feet, plus 15' – 18' penthouse
GSF	<u>R-5-B:</u> 78,912 sf <u>R-2:</u> 5 dwelling units	R-5-B: 131,520sf R-2: 6,000 sf	Commission could permit up to 261,990 GSF 235,000 is proposed	232,800, of which 229,800 is residential	185,000 (182,000 residential .in R-5- C; & 3,000 daycare in R-2)
#du. @, say, 900 SF/each [- 15% common area typical]	<u>R-5-B:</u> 80 apts. <u>R-2:</u> 5 houses <u>Total:</u> 85	R-5-B: 131 apts. R-2: 3 single-family @ approx. 2,000 each Total: 134	200-225 (developer assumes approx 900 sf/apt.)	185-215 based on pre-hearing statement	125 5% of bonus 103K sf to be devoted to housing up to 80% ami (4-6 units)
Parking	1 space/2du	1 space/ 2du	1 space/ 3 du required = 67 - 75 1 space/1 du proposed (218 spaces)	1.1 space/du 1 space / 4 children or staff of Child Ctr. (242 spaces)	1.1: 1, including employee & day care parking, plus 8 free visitor parking spaces Actual ratio of apartments to spaces is closer to 1:1
Rear Yard			4"/foot = 29.33feet at least 75' proposed	95'5"	26.25' for residential; at least 60' proposed 20' for Children's Ctr.; at least 20' proposed
Side Yard			3"/foot = 22 feet 13'10" proposed; Needs Relief	22'6". Does not require relief	None Required for residential; 8 ft. required for Child Ctr; 8' and 27'9" proposed
Court			3"/foot of height or 27' 6" 75' proposed	89'10"	19.69 REQUIRED; AT LEAST 26' PROPOSED
Loading			1 @ 55'; 1 @ 20' 1 @ 55'; 1 @ 20' proposed		19.69 required; At least 20' proposed
Other	No retail	No retail	7200 SF retail proposed (2000 of which counts towards FAR)	No retail; 3,000 SF daycare instead	Residential only; daycare external
Notable Amenities/ Public Benefits			Improvements to playground @ Livingston St.; play space for day- care ctr.	Public playground improvements No private playground; Keeps more trees; set-back farther from 43rd; developer pays for traffic calming	Same, plus 5% of bonus SF for 80% ami housing; condo; more tree preservation; less chance of blasting

VI. PLANNING AND ZONING ISSUES

A. Consistency with the Comprehensive Plan and the 1974 Friendship Heights Sectional Development Plan (See Attachments 4 - 7)

There are several elements of the Comprehensive Plan that must be considered in evaluating the proposed project. They include policies that encourage the attraction of new residents; the promotion of development leading to a return that justifies the City's investment in Metrorail; Transit-Oriented-Development (TOD)-type policies emphasizing concentration of mixed-use development around Metro stations; and other policies that emphasize the protection of stable neighborhoods and the minimization of new development's impact on the physical character of a stable community.

Specific, relevant language within some of the major elements of the Comprehensive Plan include:

- The Land Use Element
 - The Policy at §1108.1 (f) designates Friendship Heights one of two Regional Commercial Centers in the District and recommends it be permitted to develop and evolve in ways which are compatible with other land use policies, including those for maintaining stable neighborhoods, mitigating negative environmental impacts, and reducing traffic
 - The Policy at §1108.1(h) is to maintain heights and densities in established and proposed regional centers which are appropriate to the scale and function of development in adjoining communities, and develop buffer areas
 - The Policy at §1108.1 (j) promotes the establishment and growth of mixed use commercial centers and appropriate Metrorail stations and major transportation interchange points to reduce automobile congestion, improve air quality, reduce reliance on the automobile, and ensure neighborhood stability through cooperative public and private efforts to increase the use of Metrorail and Metrobus...
 - The Policy at §1108.1 (k) stresses the need to protect residential areas adjoining new commercial centers from negative physical impacts the use of open and green space buffers, use and intensity modulation between residential and nonresidential areas, ...

Discussion:

These policies envision Friendship Heights as an area that should be permitted to develop and evolve as long as the adjacent neighborhood is adequately protected. It is public policy to increase mixed-use development at Metrorail stations such as Friendship Heights in order to reduce the larger-scale pattern of increasing automobile usage and air quality degradation.

- *The proposed development would concentrate new residential development within 300 feet of a Metro station that is also a hub of Metrobus routes. The application includes conditions for commercial car-sharing arrangements, private car-pooling, and electronic provision of Metro information.*
- *It provides a 230 foot deep, landscaped, half-acre buffer between the new construction and the nearest single-family home. It retains a number of mature trees.*
- *The transportation improvements offered as conditions of the development have been evaluated by DDOT and would, even with all of the other projected increases in development in Friendship Heights, DC and Friendship Heights, Maryland, maintain the*

weekday peak hour levels of service at all four of the major intersections studies, and maintain the existing levels of service at three of these intersections during the weekend peak hour. One intersection's level of service would be reduced from "B" to "C" during the weekend peak hour. This would not be contrary to the policies of the Comprehensive Plan, as the Ward 3 Element's Transportation section accepts Level of Service C as acceptable.

- The Economic Development Element

- The Policy at §200.13 emphasizes the generation of sufficient tax revenues to fund the District budget.
- The Policy at §200.14 stresses the need for affordable, quality child care
- The Goal at §204.2 (m) places a high priority on stimulating and facilitating a variety of commercial, retail and residential development investments appropriate to selected Metrorail station areas outside of the Central Employment Area, consistent with the Land Use element and ward plans, with sensitivity to the surrounding area
- The Public Action at §209.5 (b) emphasizes recruiting people to move and live in Washington and generating 1,000 new homeowners annually.⁹

Discussion:

- *In addition to construction costs, the proposed development would provide housing for 125 households. Approximately 120 of these households would likely earn more than the average metropolitan income. OP is not able to predict how many of the units would be occupied by people moving from one part of the District to another, nor how many would be occupied by people who would declare their principal residence to be other than the District. However, it seems safe to say that there would be a net increase in upper income residents paying taxes to the District.*
- *Day care space for up to 44 children would be provided. Priority would be given to neighborhood residents. Because the day-care provider will be the same as for Zoning Commission Case No. 85-20C, OP recommends that the same goal of providing 50% of the spaces to neighborhood residents be a condition of the PUD order.*
- *The entrance to the proposed development is approximately 300 feet from the Western Avenue entrance to the Friendship Heights Metro and, as discussed further later, the project is consistent with and sensitive to the Land Use element, ward plan and surrounding area;*
- *The residential units would be for-sale condominiums, with 5% targeted to make them affordable to those earning up to 80% of the AMI.*

- The Housing Element:

- The Policy at §300.4 notes that housing in the District is viewed as a key part of a total urban living system that includes access to transportation, shopping, employment, schools, libraries, recreational facilities, playgrounds, and other public amenities;

⁹ Other language in this Action suggests the targeted homeowners are below market-rate households.

- The Goal at §302.2 states the need to designate, as residential development opportunity areas, sites where significant housing development can appropriately occur and encourage multi-unit housing development near selected Metrorail stations, at locations adjacent to Downtown, and adjacent to proposed employment centers and office areas;
- The Policy at §303.2 (d) says to provide zoning incentives, as appropriate, to developers prepared to build low-and-moderate-income housing, such as permitting additional densities in exchange for incorporating low-and-moderate-income housing in development projects...and give zoning preferences to mixed use sites that include housing near appropriate Metrorail stations.

The Comprehensive Plan also creates Housing Opportunity Areas. §1108.6 defines these as: areas where the District expects and encourages either new housing or rehabilitated housing. These housing opportunity areas are not the only areas where new housing units will become available, but represent locations of significant concentration. Most Metrorail stations outside the Central Employment Area, and some within, will support additional housing units...

Discussion

- *Fewer than 100 new units of housing have been constructed in Friendship Heights since it was declared a Housing Opportunity Area in the 1984 Comprehensive Plan. The proposed development would contribute significantly to realizing the policy of increasing housing in this area, which is a mixed-use Regional Center concentrated around a Metrorail station.*
- *The discretionary increase in density and the related PUD condition? are zoning incentives for the inclusion of affordable housing units within the proposed development.*
- *As noted below, the 1974 Friendship Heights sector plan is not an official part of the current Comprehensive Plan. Although it was adopted ~~by the Zoning Commission and~~ by the National Capital Planning Commission, it was not adopted by the ZONING COMMISSION OR City Council. THE ZONING COMMISSION ADOPTED ONLY THE ZONING. Nevertheless, ~~it~~ THE PLAN has informed the thinking about much of the development in Friendship Heights in the last 28 years.*
- *It is also possible for policy not adopted by the Zoning Commission or the City Council to inform land use and zoning decisions. The citywide housing policy currently being developed by the executive branch is one such policy. At the time of the Friendship Heights sector plan, the District had almost 200,000 more residents than it does today. When the Council adopted the Comprehensive Plan, the District had over 100,000 more residents than at present. Even then, the Comprehensive Plan, as noted above, suggested the District strive to attract 1,000 new homeowners each year.*

In fact, in the 18 years since the adoption of the Comprehensive Plan, the population has declined, not increased by the 18,000 implicit in the Comprehensive Plan goal. Recognizing the stark fiscal and social impacts of such population decline, the District's Mayor and relevant cabinet agencies have begun focusing on ways of not only stemming this decline, but also of increasing the population base. The most articulate formulation

of such a policy so far was captured in recommendations developed by the (Alice) Rivlin Commission for the Brookings Institution in 1998. The Commission recommended the District strive to attract 100,000 new residents over the next decade. The Office of Planning is using a more modest underlying goal of 50,000 new residents by 2025 in much of its current planning. This is likely to inform recommendations on the amendment process to the Comprehensive Plan currently being undertaken by OP and a Mayor/Council recommended Task Force.

The development of 125 new housing units in Friendship Heights is congruent with the emerging policy objective of increasing the District's population by approximately 50,000 people.

- The Environmental Element

- The Goal at § 403.2 (c) is to promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures that reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping, and work places where they can be served efficiently by Metrorail or bus service promotes this essential interdependence.);
- The Policy at §405.2 (h) encourages the retention of private trees through planning, zoning and building regulation; and discretionary governmental action.

Discussion

- *The District Department of Transportation estimates that at least 50% of the peak hour traffic generated by the development would use Metro. With a broad range of shopping, services and employment within easy walking distance and the Metro 300 feet away, this development would be in one of the most Metro-accessible locations in the region.*
- *The concentration of development in a taller building allows the number of residents equivalent to approximately 3 city-blocks in Friendship Heights to be concentrated on 1¼ acres. This enables the preservation of trees – particularly the mature trees on the Lisner Home portion of the property, and provides for more pervious surface than other development patterns serving an equivalent number of people.*

- The Transportation Element

- The Objective at § 502.1 supports District policy to preserve and improve neighborhoods...and to support growth and development objectives to expand business and job opportunities;
- The Policy at §502.2 (a) supports land-use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations;

- The Public Action at §509.1 (a) is to maximize accessibility and the movement of people and goods;
- The Public Action at §509.1(c) is to support the development of housing;

Discussion

- *The location of the project 300 feet from the Friendship Heights Metro station and adjacent to numerous bus lines in a significant mixed-use area furthers this Transit Oriented Development (TOD) – type goal.*
 - *Focusing development around the Metro station put less policy pressure, and may put less market pressure on increasing the density of residential areas farther away from Metro.*
 - *Working from the applicant’s transportation study, (which was based on the construction of 85 to 100 more units than are currently proposed), but using a trip distribution of 50% for mass transit rather than 60% as had been used by the consultant, the District Department of Transportation (DDOT) determined that the August version of the project would add only 6 vehicular trips in the a.m. peak hour and 13. vehicular trips in the p.m. peak to the surrounding road system. DDOT determined this impact to be negligible, even without the signalization and signage enhancements proposed by the applicant. With fewer units than in August, the most recent proposal will likely have even less of an impact.*
 - *At 50% mass transit, the modal split used by DDOT for the proposed PUD site is 20% higher (a relative increase of 66%) than had been projected during the formulation of the 1974 Friendship Heights Sector Plan that was intended to re-zone the area to account for the coming Metro Station. This plan stated that future development capacity projections should be re-examined from time to time to account for actual modal split and traffic conditions. This re-examination has, in effect, been done by the Zoning Commission on a case by case basis when it considered each of the three PUDs in Square 1661. In the opinion of OP, it would be appropriate for the Commission to consider the proposed PUD for 5401 Western an extension of this case-by-case re-examination of the 1974 Sector Plan assumptions.*
- The Urban Design Element
 - The Policy at §700.4 states that future development must be carefully controlled to protect and enhance the neighborhoods, natural open spaces, and national and international image qualities.
 - The Goal at §701.1 is to promote the protection, enhancement and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District’s aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.
 - The Objective at §702.1(b) is to preserve and enhance outstanding physical qualities of District neighborhoods
 - The Objectives at §711.1 (for areas of Stable Character) are to maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character

- The Policy at §711.2 (a) is to encourage in-fill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration.

Discussion

- *The 1974 Sector Plan, which, while not an official part of the Comprehensive Plan, has guided several decisions about growth in Friendship Heights. It clearly showed the Washington Clinic site as a part of the Friendship Heights core, separated from the single family areas by open spaces and the un-built "ring road" extension of Wisconsin Circle and widened Jennifer Street (Attachment 5). The landscaped open space permanently provided on almost 50% of the project's site is consistent with this aspect of the plan. The open space in the southern and eastern part of the site is made possible by the concentration of development in the northern and western section of the site, closer to Western Avenue and Metro and in a somewhat taller, denser structure along Western Avenue than would be the case without a PUD. Matter of right development would not be able to provide this open space buffer.*
- *The 1974 Sector Plan also showed pedestrian connections to the Metro across this property. This recommendation would be formally realized by one of the conditions of this PUD.*
- *As with Connecticut Avenue, development along Wisconsin Avenue, particularly in Friendship Heights, is concentrated along the major north-south corridor. The residential character behind the corridors is actually in sharp, low-density contrast to that of the main avenue. OP recognizes that its interpretation of the physical character of Friendship Heights may differ from some residents' perception. However, OP feels that providing a landscaped buffer of approximately 180- 230 feet in distance between the proposed project and the nearest townhouse or **DETACHED** single family house, **RESPECTIVELY**, will serve to keep a verdant context for the single family homes. In OP's view, such a solution is better than the matter of right development of townhouses or an R-5-B PUD apartment that would spread its density across more of the site, would likely have less open space and, like the townhouses on the west side of 43rd street, would result in 48' foot high structures only 55 feet away from the fronts of single family homes.*

The Ward 3 Element

(Because the Ward 3 element is so detailed, discussion has been interwoven, in italics, within the presentation of the element).

- The discussion of major themes for the Ward in §1400.2 stresses that Ward 3 is fortunate in many ways compared to the rest of the City. It notes that a major contribution the Ward 3 element can make to the rest of the Comprehensive Plan and to the District is to preserve the desirable low-density residential qualities already present in the Ward that attract taxpaying residents (§1400.2 (a) (1) and (2) (cf. 1409.1(h)); to target growth to areas of the District that need it more than does Ward 3 (§1400.2 (b) (3)); and to share the social burdens of the rest of the District at a level appropriate to the low-density quality of the Ward (§1400.2 (b) (3) (e)).

- Many sections support the construction of new “infill” housing. (e.g., §1402.4 (a)). Some sections stress that such housing is to be built around appropriate Metrorail station areas, within ½ mile of those stations, or along major arterials (e.g., §§1401.6(b), 1404.3 (a) (1); 1404.4 (a)). One section states that zoning preference should be given to projects that include housing near each of the ward’s Metrorail Stations – consistent with design, scale and infrastructure capacity (§1402.4 (c) (5) and 1409.4 (c) (1)). *The proposed housing construction is within 300 feet of the Friendship Heights Metro and the intersection of Wisconsin Avenue and Western Avenue. It fronts on an arterial street, and its southern boundary is classified as a minor arterial. It does seek zoning preference.* Other sections stress that housing should be built in designated Housing Opportunity Areas (e.g., §§ 1402.1(g), 1402.2 (d) & 1402.4 (a). *As noted in earlier and later sections, the proposed site is in a Housing Opportunity Area.* Several statements stress the need for affordable housing and home-ownership – up to 20% of new housing construction (e.g., §§ 1401.6 (b); 1402.1(d), 1402.3(b), 1409.4(c)(1)). One public action objective states that the PUD regulations should be revised to treat affordable housing as an important public amenity (§1402.5 (d)). *The applicant proposes dedicating 5% of the bonus square footage of the project to affordable housing for families earning up to 80% of the AMI. This would be the first market-rate housing project in Ward 3 to voluntarily include affordable housing),*
- §1401.3 (d) illustrates, with the example of Square 1661 immediately to the south of the proposed development in this Case, the development pressures and desired solutions facing the Ward. “Any new economic development in Ward 3, because of the stable and overwhelmingly residential nature of the ward, must be evaluated in terms of compatibility and potential adverse impacts on neighborhoods. To preserve the residential character of 43rd Street, N.W. and adjoining streets, development of Square 1661 on Wisconsin Avenue should continue to adhere to the limitations approved in the Planned Unit Development for this site”.
- The Ward 3 element’s housing-related sections thus focus on development of new housing on underutilized land that has been designated as part of housing opportunity areas, or is well-served by Metro and public transit. It notes the need for “affordable” housing, and includes a policy to permit increased residential densities (consistent with design scale and infrastructure capacity) in exchange for incorporating low-and moderate income or elderly housing in development projects.
- However, the Ward 3 element also notes that development proposals, even in housing opportunity areas, must be evaluated to avoid adverse impacts on neighborhood stability, traffic, parking, and environmental quality. While new housing is needed, all development proposals must be evaluated to avoid adverse impacts on neighborhood stability, traffic, parking and environmental quality (§1402.1 (h)). PUDs shall require traffic mitigation studies and recommendations as a condition for approval, require that adequate infrastructure is in place or, if inadequate, determine how to provide and finance it (§§1409.8 (c) (1) and (2)).

- The transportation-related sections of the Ward 3 element state that all major developments, including PUDs should require a transportation system management program or physical improvements that prevent deterioration of intersection operations below at a Level of Service “C”. (§§1404.3 (i) and 1404.5 (a)). Improvements to existing levels of service may be considered a project amenity (§1404.3 (i)). *The applicant’s August 19, 2002 Pre-Hearing Statement (Tab A, Tables 3 and 5) indicates that the major intersections near the proposed development now experience Levels of Service B and C in peak hours. It projects that, even after “background traffic” such as the projected 2 million square feet of new development in Friendship Heights Maryland, and new development at the Western Bus Garage in the District, are factored in, the proposed development at 5401 Western Avenue will degrade the Level of Service at only one of these intersections. This would be Military Road @ 43rd Street, which would decline from “B” to “C” during the weekend PM peak hour. Level of Service C is deemed acceptable by § 1404.5 (a). OP notes that these projections were based on a larger development than the applicant is now proposing.*
- Finally, amenities that may be considered optional for most PUDs are considered as requirements in the Ward 3 element. These include “superior design” (§ 1406.9 (h)(5)), tax revenues and first-source employment agreements (§ 1409.8 (c) (3)). *The applicant notes does allege public benefits from tax revenues, but has not updated the amount of projected tax revenue to adjust for the recent downward revision in the number of units, offset by the likely increase in per-unit revenue due to condominiumization. The applicant has indicated that it feels that the design is superior, though it is not asking for that to be considered an amenity of the PUD. Although recognizing that it is one of several amenities that 11DCMR §2400 allows to be proffered, the applicant has chosen not to contest the opinion of many neighbors, by asking the Commission to judge whether the project’s design rises to the level of a public benefit. The applicant has not offered a first source agreement.*

B. The Site as a Housing Opportunity Area (Attachment 3)

As noted above, the Comprehensive Plan’s Generalized Land Use Map designates the site as being appropriate for institutional usage – essentially reflecting the existing use. However, the Comprehensive Plan’s Generalized Land Use Policies Map clearly identifies the site as a Housing Opportunity Area (HOA)– a designation usually associated with increased housing densities. The site is HOA-designated because of its adjacency to a Metro stop, in an area of the District designated as a regional center. Increased residential density, especially for a project that includes an “affordable” housing component, is also consistent with several of the written policies, objectives and proposed actions of the Comprehensive Plan, as well as with the emerging policies of the Mayor’s Task Force on Transit Oriented Development.

Unfortunately, neither the Comprehensive Plan nor any other District report identifies a formal method for determining the appropriate increase in density for housing opportunity areas. There is little guidance how much housing should be built on this site. It is immediately adjacent to a Metro station, in an area designated as a regional center. It is also 150 feet or less from a neighborhood of single family

houses, that is already experiencing traffic and parking congestion, and can expect more from the approximately 2 million square feet of new development that will be built in the Maryland section of Friendship Heights.

The applicant has made a case for this site's being appropriate for relatively dense housing. The Friendship Heights Organization for Responsible Development (FHORD) is the major neighborhood group opposing the project and believes that the density proposed by the applicant is inappropriate. Its written material indicates that FHORD feels that, at most, approximately 80 - 85 units are appropriate. This is the density of approximately 75 - 80 / per acre that could be built under the existing R-5-B and R-2 zoning with a PUD. FHORD would prefer the site to be developed with matter of right residential zoning, but, in a recent meeting with OP¹⁰, also indicated some acceptance for 125 smaller units on the site, provided the height was no greater than the 60 feet permitted by an R-5-B PUD.

In its preliminary report, OP also felt that the applicant had not justified the density it was then requesting (180 – 200 units per acre in a PUD that requested associated R-5-D for the entire site). However, since then the applicant has reduced the proposed density of the project to 100 units/acre with R-5-C zoning on the western ¾ and retention of R-2 zoning on the eastern ¼. It has also proposed the incorporation of 4-6 “affordable” housing units as one of the public benefits stemming from the increased density.

OP cannot presume what will unfold from the upcoming citizen-based process for the Upper Wisconsin Avenue corridor plan. But some sort of development-limiting mechanism seems certain to be result from the process. OP suggests that future policies reaffirm the distinction between the core development area and the to-be-preserved single-family home area that was made in the 1974 Friendship Heights Sectional Development Plan. That plan provided for bands of development:

- Commercial usage was to be along Wisconsin Avenue;
- New medium density residential was to east of the commercial usage, in a band to the west of a “ring road that would have included 43rd Street and a new road constructed along the property line between the Lisner Home and the Washington Clinic;
- Continue low-density residential east of 43rd Street and the road projected for the Clinic/Lisner boundary

With respect to future land use east and south of the proposed 5401 Western Avenue project, OP re-affirms the 1974 Sectional Development Plan growth boundary line that runs north-south along the eastern boundary of Lot 807 and the western side of 43rd Street, NW¹¹. We would explicitly recognize the importance of preserving the stable, single-family residential neighborhood on the other side of that boundary. We would not entertain proposals for higher-intensity redevelopment of the Lisner Home, or any single-family lots in that neighborhood.

¹⁰ November 1, 2002.

¹¹ The boundary line approximates the location of the proposed extension of Wisconsin Circle as part of the proposed Ring Road.

C. Consistency with the PUD Evaluation Standards of Section 2400

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The proposal appears to be generally consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400. Most of the questions raised in OP's preliminary report have been answered. There are, however, a few remaining points requiring additional clarification. The standards and issues are reviewed in the following section.

1. Quantitative Standards

- In the existing R-5-B zone, and in the proposed R-5-C zone, a PUD has a 15,000 square foot minimum lot area. This project meets that standard [Section 2401.1(c)]¹².
- The maximum Floor Area Ratio may not exceed 4.0 for a PUD under the proposed R-5-C zoning for the 75% (43,840sf of 58,840sf) of the site that is the Washington Clinic property. The 25% (15,000sf of 58,840sf) of the site that is Lisner Home property is zoned R-2, which limits a PUD to .4 FAR. The project would contain 182,000 square feet of residential area on Lot 805 and 3,000 square feet of day care center on Lot 7. The overall FAR for the project, including the amenity to be located on a portion of Lot 7, would be 3.14. The proposed project thus meets the standards of §2405.2

The Zoning Commission may also authorize an increase of up to 5% of the maximum FAR provided the increase is essential to the successful functioning of the project and is consistent with the purpose and evaluation standards of the PUD regulations (11DCMR § 2405.3). Such an FAR limit for a PUD in an R-5-C zone would be 4.2. Setting aside the question of whether the FAR is essential for the moment, even if the FAR for this project were evaluated solely on the basis of the construction on Lot 805 and the square footage on Lot 805, it would have an FAR 4.15, thus meeting the requirements of §2406 if the associated zoning were the requested R-5-C.

The maximum height may not exceed 75 feet for a PUD in the R-5-C zone, and may not exceed 40 feet in the R-2-zoned Lisner Home portion of the applicant's site. The construction on Lot 805 would reach the legal measurement of 78.75 feet, thus exceeding the height standard. However, as with FAR, the Zoning Commission may also authorize an increase of up to 5% of the maximum height provided the increase is essential to the successful functioning of the project

¹² Fford questions whether the R-2 portion of the PUD meets the 2 acre minimum required for a PUD. The minimum lot size is set based on the proposed zoning category, in this case, R-5-C, which requires a minimum lot size of 15,000 sf, which is more than met by the existing site. In addition, 4/5 3/4 of the PUD is in the R-5-B zone. All of the non-amenity-related construction would occur within the R-5-B zone. The R-2 zone district would be used only for part of the amenity package; the construction within the R-2 zone would be within the matter of right FAR limits for an R-2 zone. The applicant has changed its proposal in order to retain the R-2 zoning for Lot 7, rather than seeking a higher zoning district, in response to community concerns. Therefore, OP considers the application in compliance with the requirements of 11DCMR §2401.1(c).

and is consistent with the purpose and evaluation standards of the PUD regulations (11DCMR § 2405.3).

At the urging of OP, the applicant has agreed to sell 5% of the on-site square footage it would gain by the proposed PUD to families making no more than 80% of the area median income. OP views the provision of this on-site affordable housing as a key public benefit of this PUD. It is the single-most significant of the “commendable number or quality of public benefits...that advances the public health, safety, welfare and convenience” ((11DCMR§2400.2) and one of the “public benefits offered in proportion to the flexibility or incentives requested” (§2400.3).¹³

With regard to whether the 5% increase in the PUD standards is essential to the functioning of the project and consistent with the PUD regulations and standards, the 3.75 feet in discretionary height requested under the 5% flexibility provision makes possible the construction of a 7-8 story building, rather than a 6-7 story building. It enables the project to be as far removed from the single-family houses along Military Road as it is. The additional height is essential to enabling construction of a building that is large enough to support some affordable housing, while being far enough removed from the existing residential neighborhood as to mitigate its bulk, save large existing trees and provide the open space buffer recommended in the Sector Plan of 1974 and the current Comprehensive Plan. In OP’s view, the applicant has met the requirements of §2405.3.

- Under the latest revision to the application, the project would no longer require relief from the side yard requirements (for either the condominium structure or the day care center)¹⁴ or for the mechanical penthouse setbacks¹⁵.
- The application continues to provide far more parking than the 1 space for every 3 dwelling units required by 11 DCMR §2401.1 for the associated R-5-C zoning. The development would also provide more parking than the 1 space per 2 dwelling units required for the existing R-5-B zone.

The applicant states that the project will provide 1.1 parking spaces per unit. Based on Sheets ~~AE D1~~ and A4 of the ~~August~~ **OCTOBER 25, 2002** submission it appears that the parking will consist of:

- ~~125~~ 117 spaces located on Levels 1 and 2 of the garage. 4 of these are required for the 4 Day Care Center employees. Of the 125 spaces, 17 ~~are~~ **APPEAR TO BE** large enough to accommodate an additional 17 cars parked in tandem;
- 8 surface parking spaces allocated to visitor parking;

~~Excluding the parking for Day Care employees, there would then be 129 spaces always accessible to apartment owners or their guests, plus a possible 17 additional stacked spaces. The ratio of spaces to apartments would thus be between 1.03 : 1 and 1.16 : 1. If the Day Care employee spaces, which will not be used during peak visitor hours at night and on the weekends, were included, the ratio would rise to 1.2 : 1. THE APPLICANT HAS BASED THIS~~

¹³ OP assumes a difference of at least \$100/square foot between the sales price for the affordable units versus those for market rate units. The applicant would, therefore, be “contributing” at least \$500,000 in lost project income by providing this affordable housing.

¹⁴ See Table 2, above

¹⁵ See Sheet S4 of October 25 architectural submission. The newest building configuration has enabled the penthouse to be consolidated in the somewhat thicker center of the building.

ON 110 UNITS AND NES TO CLARIFY WHERE THE ADDITIONAL 13 SPACES WOULD BE PROVIDED IF THERE ARE 125 UNITS.

- 11DCMR §2201.1 would require the project to provide (1) 55' loading berth, (1) 200 square foot loading platform and (1) service delivery space. Sheets A1 and D1 of the ~~August~~ **OCTOBER 25, 2002** applicant submission indicates the applicant will provide one 55' loading berth and one 20' loading berth.
- OP has some concern about whether the application completely satisfies the requirements of §2406.12 (f) with respect to the provision of a final detailed loading plan for trucks. After the setdown hearing, DDOT required the applicant to change the proposed parking and loading access design in order to separate the two functions. The applicant is currently working with DDOT to refine the location of these entrances and ensure adequate space for surface turning movements. OP anticipates that either the applicant and/or DDOT will provide additional information at the hearing. OP will be prepared to respond.

D. PUD Amenities and Public Benefits

The objectives of a PUD are:

- to permit flexibility of development in return for
- the provision of superior public benefits,
 - provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations,
 - or results in an action inconsistent with the Comprehensive Plan.

Public benefits are defined in Section 2403.5 as “superior features...that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under...matter or right...” Amenities are defined in Section 2403.7 as including “one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors”.

Benefits or Amenities Noted By Applicant

- Provision of a significant number of housing units in a housing opportunity area at a Metrorail station;
- Provision of below-market rate housing (5% of the bonus PUD square footage for up to 80% of AMI);
- A 3,000 square foot expansion to an existing community-oriented day care center that was built as an amenity for a PUD previously approved by the Zoning Commission;
- A new running track and upgraded equipment for the nearby Chevy Chase Public Park at Western Avenue, Livingston Street and 41st Street;
- A lit and landscaped pedestrian connection between Military Road and Western Avenue
- A combination of open-space and landscape features in the south-facing Military Road part of the site. These are to include an unwallled, landscaped courtyard with benches, that will be open

to the neighborhood, the retention of mature trees on the southern portion of the property to be purchased from the Lisner Home, a wider-than-normal sidewalk along Military Road, and additional street trees along Military Road;

- Traffic mitigation measures:
 - limitation of parking and loading entrances to only Western Avenue
 - no left/U-turn signs at the Military Road lay-by;
- Transportation Enhancements:
 - Signal modification @ Wisconsin Circle & Western Avenue
 - Signage Improvements
 - Military @ Western, 43rd, 42nd;
 - Signalization improvements @ Military & Reno/41st Streets;
 - Traffic calming on 43rd St.;
- Pedestrian Safety Enhancements
 - Crosswalk reconstruction @ Western Avenue & Wisconsin Circle., at the building entry on Western Avenue, and at Military Road
 - Signal modifications @ Western Avenue & Wisconsin Circle
- Parking in excess of typical 1:1 market-driven ratio, and Visitor Parking
- Transportation Management Plan
- Construction Management Plan
- Economic Benefits of the Development

Evaluation

1. **Provision of a significant number of housing units in a housing opportunity area at a Metrorail station.**
 - *The applicant would provide more housing units than are permitted under matter of right zoning. These would be within a housing opportunity area and a regional center, adjacent to a Metro station. This is consistent with public policy¹⁶. However, OP is reluctant to consider the construction of housing on a piece of land zoned for residential development to be a public benefit.*
2. **Provision of below-market rate housing (5% of the bonus PUD square footage reserved for individuals or families earning up to 80% of AMI for the life of the project.**
 - *This would constitute a clear public benefit.¹⁷ The Ward 3 element of the Comprehensive Plan has cited the provision of below-market-rate housing in the Ward, particularly near Metro stations and other transit facilities, as a goal for well over a decade. While the percentage of the total project devoted to affordable housing is relatively modest, this project would bring about the first-ever voluntary construction of such units in a market rate housing project in Ward 3. In addition, OP suggested this public benefit after the rest of the amenity package had been announced, so it was not possible for the developer to eliminate previously promised benefits in order to afford to enlarge this particular benefit.*

¹⁶ See Comprehensive Plan and Sector Plan discussion above.

¹⁷ See discussion of affordable housing and public policy under the Comprehensive Plan discussion above, particularly the Ward 3 element.

- *OP estimates there will be a \$100-\$150 /square foot differential between the (luxury) market-rate housing and the affordable housing sales prices. The affordable housing alone would thus represent at least a \$500,000 opportunity cost contribution to the achieving of a public benefit.*
 - *OP has asked the applicant to provide additional implementation details about this public benefit: how such purchasers will be certified as qualified, and chosen; how the units will be maintained as up-to-80% AMI units for the life of the project; whether there will be any equity re-capture provisions, etc. It is understandable that the applicant has not yet been able to provide these details, as the possibility of the applicant's providing affordable housing emerged only after a suggestion from OP in mid-October. OP anticipates the applicant's providing implementation details during its testimony. OP will be prepared to respond and recommend language for a possible PUD condition.*
3. **A 3,000 square foot expansion to an existing community-oriented day care center that was built as an amenity for a PUD previously approved by the Zoning Commission.**
- *As noted above, this is consistent with policies in the Comprehensive Plan. At a (low-estimate) construction cost of \$100/square foot, the day care center would represent a \$300,000 public benefit, exclusive of any arrangements that may be worked out to provide reduced-rate tuition to reflect the rent-free status of the space that will be provided.*
 - *Based on information provided by some neighborhood residents, OP has some concerns about whether the day-care will be adequately targeted to neighborhood and District residents. OP has asked the applicant to provide a copy of the existing Children's Center commitment to abide by the 50% neighborhood-preference requirements that governed the provision of the earlier facility operated by the same provider, under the terms of the Abrams PUD (Zoning Commission Order No. 519).*
4. **A new running track and upgraded equipment for the nearby Chevy Chase recreation facility at Western Avenue, Livingston Street and 41st Street.**
- *This is the public benefit that all members of the community seem to agree will be a public benefit. OP concurs.*
 - *Fford has estimated the track will cost approximately \$50,000. The applicant has indicated to OP that the total cost of playground improvements will be significantly more than this, closer to \$75,000.*
5. **A lit and landscaped pedestrian connection between Military Road and Western Avenue**
- *This is a project amenity, because it formalizes and preserves the presently informal neighborhood shortcut between Military Road and Western Avenue, a shortcut that the applicant is not required to maintain, and that would be difficult to provide under matter of right development. OP has not estimated its cost.*
6. **A combination of open-space and landscape features in the south-facing Military Road part of the site.** These are to include a landscaped courtyard open to the neighborhood, the retention of mature trees on the southern portion of the property to be purchased from the Lisner Home, a wider-than-normal sidewalk along Military Road, and additional street trees along Military Road.

- *In OP's opinion these clearly constitute project amenities that would not be possible without the flexibility provided by a PUD. Development under matter-of-right zoning would likely result in townhouses coming right up to Military Road and the destruction of most, if not all, trees on the Lisner section and the Washington Clinic property. Development under an R-5-B PUD would likely result in a similar development pattern.*
- *The proposed PUD will enable the height and bulk of the proposed project to be shifted toward Western Avenue, approximately 230 feet from the nearest single-family residence. It will allow the development of the open space buffer that was first envisioned in the 1974 sector plan. Even if the public does not use it for recreational purposes, OP concludes it is a valuable amenity. While the open space may end up being primarily ornamental, it will provide more of a buffer from the more intense development at the core of Friendship Heights than would other alternatives. The minimum 230-foot-deep open space consists of approximately half of an acre; it will retain one significant mature tree on the Washington Clinic site and most of the mature trees on the Lisner property. All this can be achieved by allowing the project to rise to just under 80' high and concentrating the density along Western Avenue. The alternatives would likely be either a matter of right 50 foot high institutional use of just under 80,000 square feet; a 60' high, 3.0 FAR R-5-B PUD structure that would occupy more of the site than the currently proposed structure and likely not include many of the public benefits – such as affordable housing – proffered by the current proposal; or 50' high matter-of-right structures with no design review, without any public benefits and, likely, several curb cuts along Military Road.*

7. **Traffic mitigation measures including:**

- o limitation of parking and loading entrances to only Western Avenue
- o no left/U-turn signs at the Military Road lay-by.
- *In OP's opinion these are necessary mitigation measures designed to protect the neighborhood from adverse traffic impacts, rather than project amenities.*

8. **Transportation Enhancements:**

- o Signal modification @ Wisconsin Circle & Western Avenue
- o Signage Improvements
 - At Military @ Western Avenue, 43rd Street, and 42nd Street;
- o Signalization improvements @ Military & Reno/41st Streets;
- o Traffic calming on 43rd St.;
- *In evaluating these proposed public benefits, it is important to note that DDOT has found that the earlier larger numbers of units would pose no significant traffic or parking impact – even without the improvements proposed by the applicant. In fact, DDOT finds that the peak hour impact from the proposed project will be less than that generated by the current clinic. Therefore, since these transportation measures are not required to shield the neighborhood from adverse traffic impacts, they can legitimately be considered to be enhancements which will provide a public benefit to the area.*
- *The applicant has maintained, and expanded, the earlier level of proposed traffic improvements, even as it has reduced the proposed number of units. OP has asked the*

applicant to clarify how the proposed improvements will be agreed to by DDOT and the neighborhood, how they will be coordinated with recommendations of two other DDOT traffic studies for the Friendship Heights and Military Road areas, and how payment for, or provision of, the improvements will be made.

- *OP also notes that, since the earlier application, the Clinic has indicated that it will not be moving across Western Avenue to the re-built Chevy Chase Center, and will likely disband. Clinic traffic will thus not simply be displaced across the street from its present location. Clinic traffic was accounted for as “background traffic” in the applicant’s transportation studies.*
- *Given the apparent likelihood the proposed project will have no negative impact on surrounding traffic conditions, the proposed transportation improvements constitute project amenities rather than simple mitigation measures. Based on the applicant’s transportation studies and DDOT determination of the project’s having no significant impact on traffic, OP considers these to be transportation enhancements – a legitimate project amenity.*

9. Pedestrian Safety Enhancements

- Crosswalk reconstruction @ Western Avenue & Wisconsin Circle, the building entry on Western Avenue, and across Military Road
- Signal modifications @ Western & Wisconsin Circle

DDOT has concurred that these will constitute safety enhancements –legitimate project amenities.

10. Parking in excess of typical 1:1 market-driven ratio and Visitor Parking to Satisfy Virtually All Parking Demand On-Site

- *(Please see the discussion above for OP’s calculations of the parking ratio).*
- *OP is not certain that the proposed “excess” parking constitutes a clear public benefit. The provision of this high parking ratio helps to satisfy neighbors that there will be no parking spillover. However, the continuation of such a pattern in other developments may actually be detrimental to the larger public good. The Comprehensive Plan and recently developed Transit-Oriented-Development policies recommend that incentives for car ownership and usage be reduced in locations close to Metro. The applicant is both providing excess parking and promoting transit ridership through different devices. This is, for better or worse, reflective of the dilemma presently facing public policy, given the existing level of auto dependence. The hope is that providing sufficient parking to contain demand within a building will reduce local opposition to increased density at Metro stations, while, over time, the convenience of Metro use will convert drivers into transit users.*
- *It is, however, clear from neighborhood comments that a significant segment of the neighborhood considers at least a 1.1 to 1 parking ratio to be essential in any project on this site.*

11. Transportation Management Plan, Including A Car-Sharing Plan

- The applicant intends to provide ridesharing match services, bicycle racks, transit web-site links and access to a car-sharing program such as Flex-Car or other providers.
- *OP considers measures such as these to be public benefits and has asked the applicant to provide specificity about the methods of their implementation. The applicant will present these in testimony and OP will be prepared to respond and suggest conditions should the PUD be approved.*

12. Construction Management Plan.

- *The applicant has suggested the model for such a plan under Tab L of the August 19, 2002 pre-hearing statement. The Plan suggests various measures to avoid visual impacts, traffic impacts and potentially damaging construction impacts on the neighborhood. Details need to be further developed on several aspects of the plan, such as the composition of the proposed Advisory Committee, how future subsurface exploration findings will affect the proposed type of excavation and/or blasting, how excavation retention methods will minimize impacts on nearby structures, whether escrow and fine amounts are adequate, etc.*
- *Many neighborhood residents have been concentrating thus far on refining their position on the PUD application and have not been able to focus on details of a construction management plan. Should the Commission give approval to the application, OP will work with the applicant and the neighborhood to develop a thorough construction management plan prior to any final Commission decision.*

13. Economic Benefits

Under Tab B of the October 25, 2002 application revision, the applicant projects net revenue gains to the District of between \$800,000 to \$1.2M per year over a matter of right development on this site. This is based on the following estimates:

- a. Annual Direct DC Tax Revenue of approximately \$1.8 M per year
- b. Over \$1.2 M in construction-related fee revenue to the District
- c. Multiplier-related revenue from a \$33 M construction project
- d. Approximately 145 new taxpaying residents, most of whom would be in upper income brackets
- e. 143 temporary construction jobs and 12 permanent jobs
- f. An approximately 95% increase in direct DC tax revenues over those generated by the existing Clinic

While one can always quibble over specific assumptions in economic models, it does appear that there is a positive economic benefit of the proposed project versus either matter of right development or the existing conditions.

With the current revision to the application the applicant is no longer including the convenience retail or tot-lot that it had previously included in its list of amenities, nor is it suggesting that the architecture is so superior that it constitutes a public benefit.

E. Amenities and Benefits in Relation to the Degree of Flexibility Requested

The applicant has asked the Commission for the flexibility to construct approximately 80,000 square feet of housing more than would be permitted under matter of right zoning. The applicant is also seeking approval to construct a building that would be 28.75 feet taller than would be permitted under matter of right zoning on Lot 805.

OP questioned whether the original proposal that was set-down sufficiently balanced the flexibility requested with an appropriate level of public benefits. Since then the applicant has made many positive changes to the proposal and significantly increased the public benefits.

- The new proposal reduces the square footage of the building by 17%, and the number of units by 28% to 48%. The units will be condominiums. The combination of larger unit size and ownership is likely increase the income level and reduce the turnover rate of those who might live in the proposed project. This would reduce some of the destabilizing effects that a larger number of smaller, more transient residents might bring. As noted in the October 25 filing it would also provide for a more significant increase in the District's tax base, and short-and long-term revenues.
- From the standpoint of generating taxes and other revenues necessary to the District's financial health, the provision of housing is a public benefit. It is consistent with the Mayor's and the Rivlin Commission's recommendations that the District strive to attract 50,000 to 100,000 new taxpaying residents.
- The maintenance of approximately 50% of the property as open space, and the retention of mature trees provides a significant physical buffer between the proposed development and the existing single- family homes. In some respects, the concentration of development along Western Avenue provides more of a buffer for the neighborhood than would a matter of right townhouse development of the site. A matter of right development would enable construction of between 32 and 42 townhouses and the retention of few, if any trees.

OP very conservatively estimates the applicant will be providing well over \$1million in "out of pocket" public benefits:

- At least \$500,000 in lost opportunity costs for the 4-6 affordable housing units;
- At least \$300,000 for the construction of the Day Care Center
- At least \$ 75,000 for the construction of improvements to the Chevy Chase Park and Recreation Center
- The cost of new signals, signalization changes, and new traffic-control signage
- The cost of new pedestrian crossings for Western Avenue and Military Road
- The cost of traffic calming measures on 43rd Street.

OP notes that these cost estimates are conservative. More detailed costing out might easily add another \$500,000 to the value of the package. It is important to stress, however, that the value of an amenity/public benefit package frequently exceeds that which can be easily quantified. For example,

OP considers the massing of the building along Western Avenue, while more costly than the stick construction which could have been used for the formerly proposed eastern wing of the building, to be a substantial public benefit, since it preserved mature trees, reduced the impervious surface and therefore, storm runoff, and created a green buffer for the single family residences along Military Road.

OP felt that the original proposal by Stonebridge Associates had enough merit to warrant a public hearing on the application. We recommended such an action to the Zoning Commission in our preliminary report. In this report we also noted that there were several unresolved issues. These included:

- Traffic impacts
- Building massing and height, particularly near Military Road
- Façade and Roofline Design
- Tree Preservation
- Amenities and Benefits
- The justification for an increase in associated zoning from R-5-B and R-2 to R-5-D.

The Zoning Commission agreed in June 2002 that the application warranted a hearing, and also shared OP's concerns about some aspects of the project. In particular the Commission wondered whether the proposal was of sufficient merit to warrant the substantial upzoning that was requested by the applicant in conjunction with the Planning Unit Development (PUD). Since June, the applicant, OP, ANC 3-E, and the ad hoc group known as Friendship Heights Organization for Sensible Development (FHORD) have had extensive discussions and public presentations.

In response to the concerns of OP, the Commission and the neighborhood, the applicant has significantly scaled back the size of the project and increased the quality and quantify of the public benefits.

Traffic: The District Department of Transportation (DDOT) has completed its analysis of traffic and parking impacts of the proposal. In an October 8, 2002 memorandum (*Attachment 8*) DDOT found that, the traffic and parking impacts of the proposed project can be accommodated "with little or no negative impact on the area road network". DDOT's analysis used more critical assumptions that were less favorable to the applicant than those used by the applicant's consultation. DDOT's analysis was also based on the applicant's previous, larger, proposal for 185 – 215 rental apartments. The applicant's newer, smaller proposal would, therefore, likely be even more acceptable to DDOT.

There was however, one area of concern to DDOT: the advisability of having auto and truck traffic access the site from the same driveway. This was addressed in the October 25, 2002 application revision. At OP's recommendation, the applicant and DDOT are now working on an refinements to this layout.

This project would not occur in isolation from other planning considerations. DDOT is conducting both Friendship Heights and a Military Road traffic studies. DDOT has already recommended in favor of this project. OP is also ready to start a study of the primarily commercial corridor between Tenleytown and the Maryland line. In conjunction with this study and with the proposed 5401 Western Avenue development, OP is prepared to pledge that will not support any upzoning to the R-2 zone that exists along Western Avenue between the present Washington Clinic property and Chevy Chase Circle.

Building Massing and Height: The newest proposal reduces the height from ground floor plus 9 stories to ground floor plus 7 stories¹⁸. There is no longer a wing projecting towards Military Road. The building bulk is along Western Avenue, leaving open all of the land along Military Road that is east of a point opposite the Embassy Suites Hotel open. The size is reduced from 235,000 square feet to 185,000 square feet. This has enabled the applicant to withdraw the requested PUD-related map amendment for a portion of the Lisner Home property, and to reduce its PUD-related map amendment request for the Washington Clinic site from R-5-D to R-5-C.

OP views these changes as exemplary of what a PUD is intended to do with physical design. By designing a higher building than would otherwise be permitted, the applicant has used the PUD mechanism to enable the creation of a significant landscaped open-space buffer between the proposed structure and the lower density neighborhood. This was one of the design solutions envisioned in the 1974 Friendship Heights Sectional Development Plan.

Façade and Roofline Design: The façade would mix red-brick with light-colored stone or precast trim. This is consistent with the materials employed throughout the residential neighborhood to the south and east. At the same time, the larger expanses of glass and anodized aluminum spandrels help the building make an architectural bridge between the traditional residential neighborhood and the newer commercial center. The projecting bays will help to break up the building's mass. The slight curve of the Military Road façade lines up with the rear walls of the taller buildings on Wisconsin Avenue, in Square 1661, helping to create a sense of enclosure for the ½ acre of open space. The applicant has also reduced the area devoted to the mechanical penthouse, and has now employed it as a more concentrated element to help give the roofline more variety.

Tree Preservation: The new proposal entails no excavation on the Military Road side of the Lisner property, where most of the trees are. The applicant will retain the services of an arborist in an effort to maintain the health of the existing trees. With approximately 50% of the site being unbuilt, the applicant will also have additional opportunities for landscaping.

Given the applicant's response to these concerns, the changes that have been made to the project since the setback, and the increased level of amenities, it is now OP's opinion that the public benefits of the proposed project more than justify the zoning flexibility requested.

VIII. AGENCY REFERRALS

This application has been referred to the following District government agencies for review and comment:

- Department of Public Works (no response);
- Department of Transportation (favorable response in case record);
- Metropolitan Police Department (no response)
- Fire and Emergency Medical Services Department (no response; OP will pursue because of jurisdictional questions at Western Avenue);
- Department of Consumer and Regulatory Affairs (no response).

¹⁸ The applicant refers to the height as ground plus seven stories because of grade changes

- Department of Housing and Community Development (no response).

VI. COMMUNITY COMMENTS

The applicant has met extensively with a working group of community representatives for about nine months and has presented the plans for the project at several community meetings. Members of Advisory Neighborhood Commission 3E have been involved in the discussions. As of October 25, 2002 the ANC has not taken a formal position on the application. Its final consideration and vote is slated for November 7, 2002. ANC 3G, which adjoins ANC 3E, is anticipating taking a vote at its November 4 meeting.

There is both support for and opposition to the application in the community. The case record includes several letters of strong opposition.

The project, as it was formulated prior to the most recent submission, has also been opposed by three members of the City Council.

The chief neighborhood concerns are:

- Perception of an Insufficient Justification for the Requested Zoning Increase Included in the Application: This concern is similar to that discussed above under the Housing Opportunity Area consideration. There appears to be considerably less opposition to a PUD if it were under the existing R-5-B zoning.
- Density, Traffic and Parking. Earlier studies completed by the applicant's transportation consultant indicate a diminution of levels of service at some intersections to a Level of Service D. While this is due far more to the planned 2 million square feet of development in Friendship Heights, Maryland than to the direct impact of the applicant's proposed project, there is considerable concern about the impact of any project on the cumulative traffic condition. Neighbors are especially concerned about traffic impacts on Military Road and 43rd Streets, and about parking impacts if tenants of the proposed apartments own an average of more than one car per unit.
- Height of the ground floor plus 7 stories and of the nearness of the building (approximately 230 feet) to single family houses;
- Construction Impacts: Some neighbors experienced damage to their homes during the construction of previous PUDs in the neighborhood. Some of these neighbors are concerned that possible bedrock conditions may require blasting for the construction of the underground parking garage, and that this could have negative impacts on their houses.
- Loss of Trees. This was a major concern under the original proposal which would have removed most of the mature trees for either underground excavation of the parking garage, construction of the building, or construction of a tot lot. As noted above, these trees are saved under the new proposal.
- Precedent for Future Development Along Western Avenue. Both the Washington Clinic and the Lisner Home now provide low density, well-landscaped buffers between the single-family homes, and the high-rise development in Friendship Heights, Maryland. Neighbors are generally concerned that, absent a small area plan, high-rise development of the Washington Clinic site

could set a precedent for more higher intensity development eastward along Western Avenue. The small area plan is slated for completion in late 2003.

- Lack of Balance Between the Requested Zoning Flexibility/ Perceived Project Impacts and the Public Benefits/Project Amenities. There seems to be only one proposed element that all neighbors agree is actually an amenity: the proposed track at the public park and recreation center at Livingston Street.

OP understands the high level of concern of the opponents, and has worked over this period of time with the developer to address and mitigate these issues. We feel that the developer has made substantial progress in dealing with the most serious concerns.

X. OP RECOMMENDATION

OP recommends the Commission approve the application as revised on October 25, 2002 with certain conditions:

- The continued refinement of the location of the two Western Avenue entries, and of the geometry of the eastern entry;
- The development of acceptable procedures for the execution and maintenance of the agreement to provide to households earning no more than 80% of the AMI , 4-6 for-sale residences in the building, with total net square footage equal to 5% of the project's additional net square footage enabled by the approval of the PUD application .
- The refinement of the Construction Management Plan, including procedures for selection of the Advisory Committee, and a greater emphasis on ensuring excavation methods than prevent damage to adjacent residences
- The provision of complete procedures for the execution of the proposed Transportation Management Program
- The provision of detailed elevation drawings, in color, and sample building materials
- **THE CLARIFICATION OF WHERE PARKING WOULD BE LOCATED IN A 1.1 RATIO IF MORE THAN 110 , UP TO THE MAXIMUM OF 125 RESIDENTIAL UNITS, WERE CONSTRUKCTED.**

OP supports this project because:

- Consistent with the Comprehensive Plan, it would bring needed market-rate housing to the District at an appropriate Transit-Oriented Development (TOD) location that is both a Housing Opportunity Area and a designated Regional Center;
- The location of such housing, with its TOD emphasis, promotes sound land use patterns at the local and regional levels
- This housing will be sold for home-ownership
- Consistent with the Ward 3 element of the Comprehensive Plan and the 1974 Friendship Heights Sectional Development Plan, it would include the first "affordable" housing in a market rate housing project in Ward 3, and with no cash subsidy from the District taxpayers;
- This affordable housing will be marketed to owner-occupants;
- DDOT has stated there would be no measurable traffic or parking impact on the Friendship Heights community;
- Consistent with the Comprehensive Plan, it will provide additional Day Care;

- Consistent with both of the above-noted plans, the project will provide a substantial buffer of landscaped open space between the proposed development and the nearby single-family homes;
- Its height will modulate between the taller development to the northwest and southwest and the single-family homes
- The applicant has agreed to provide an unusually high level of public benefits and amenities, especially for a residential project.
- The application meets the requirements and standards of 11 DCMR Section 2400
- As modified on October 25, 2002 the application represents an exemplary use of the PUD mechanism.

AA/slc

Attachments (8)



Feature Key

- Zoning Boundaries
- Square Index

Zoning Commission

Case No. # 02-17, 5401 Western Ave., NW

Area Context



DC Office of Planning
June 3, 2002

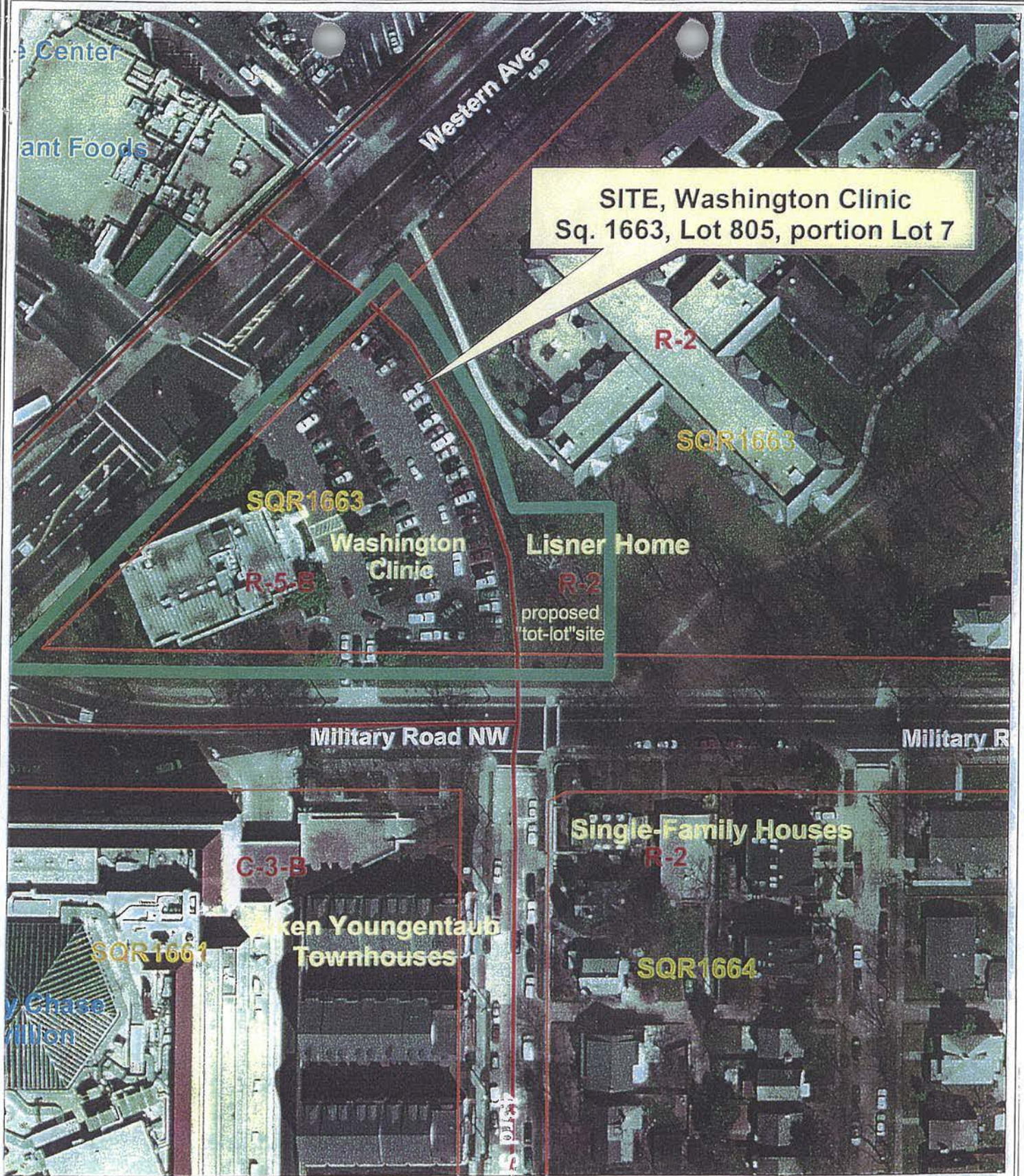
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250 255075 Feet



Attachment 1



Feature Key

-  Zoning Boundaries
-  Square Index

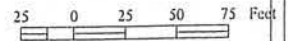
Zoning Commission

Case No. # 02-17, 5401 Western Ave., NW

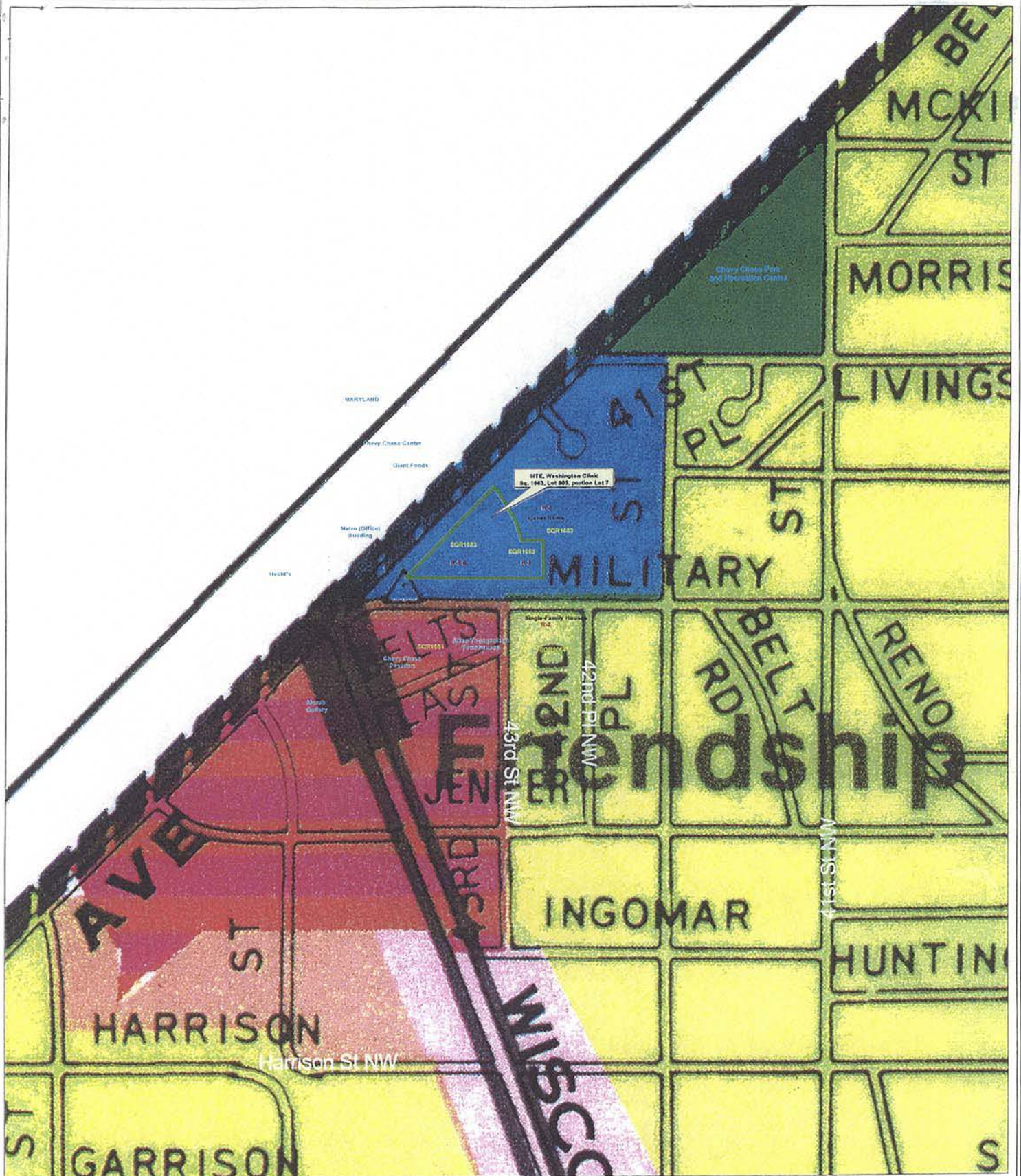


DC Office of Planning
June 3, 2002

Scale 1:1104



Attachment 2



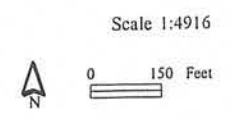
Generalized Land Use Key

	Residential Low Density		Commercial Low Density		Federal
	Residential Moderate Density		Commercial Moderate Density		Institutional
	Residential Medium Density		Commercial Medium Density		Local Public
	Residential High Density		Commercial Med.-high Density		Parks, Recreation and Open Space
	Water		Commercial High Density		Production and Technical Employment

Comprehensive Plan Landuse

DC Office of Planning

 June 3, 2002

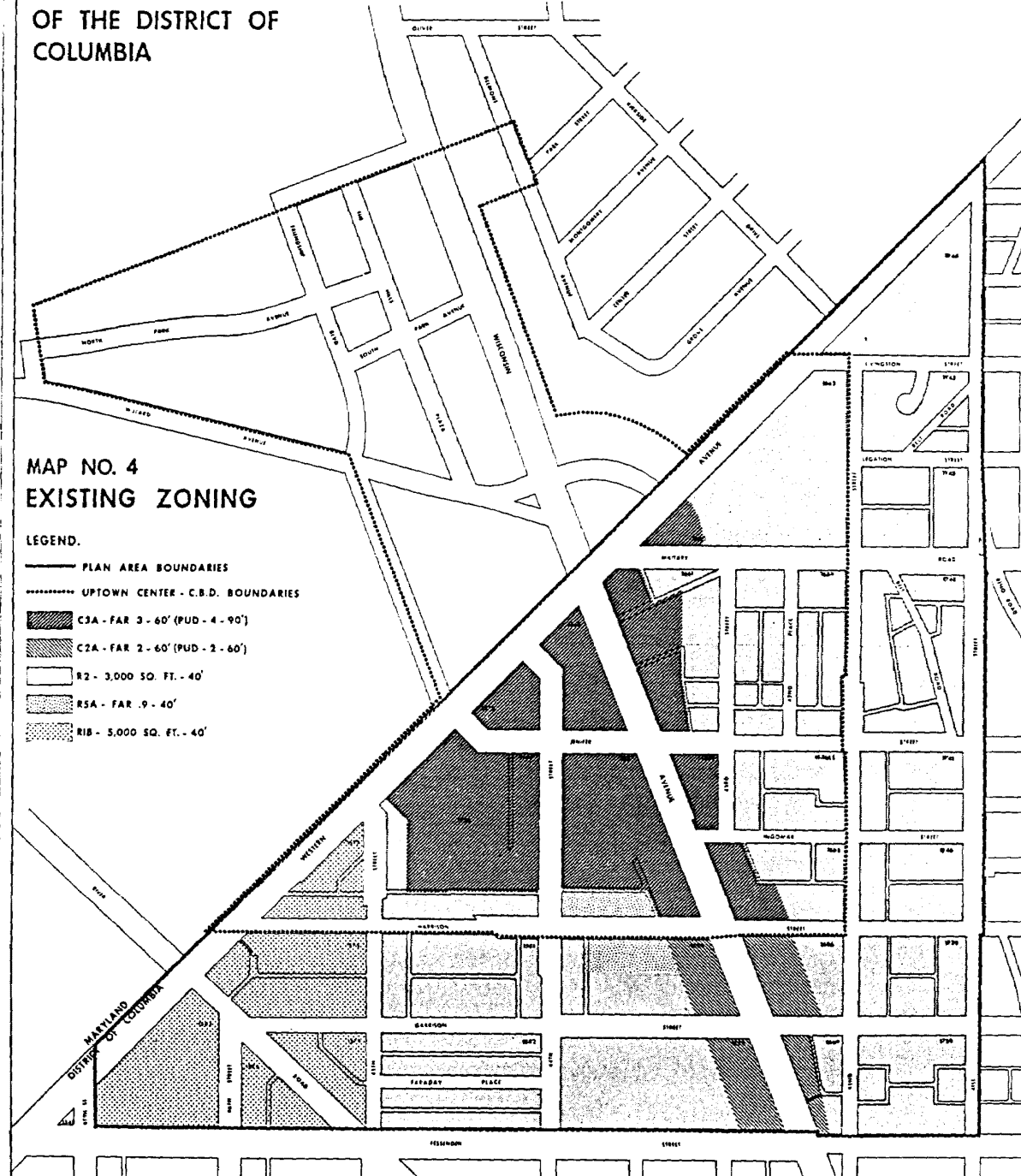


A PLAN FOR THE FRIENDSHIP HEIGHTS AREA OF THE DISTRICT OF COLUMBIA

MAP NO. 4 EXISTING ZONING

LEGEND.

- PLAN AREA BOUNDARIES
- UPTOWN CENTER - C.B.D. BOUNDARIES
- C3A - FAR 3 - 60' (PUD - 4 - 90')
- ▨ C2A - FAR 2 - 60' (PUD - 2 - 60')
- R2 - 3,000 SQ. FT. - 40'
- ▤ RSA - FAR 9 - 40'
- ▥ RIB - 5,000 SQ. FT. - 40'



PREPARED BY THE INTERAGENCY TASK FORCE ON FRIENDSHIP HEIGHTS

MAY 31, 1973

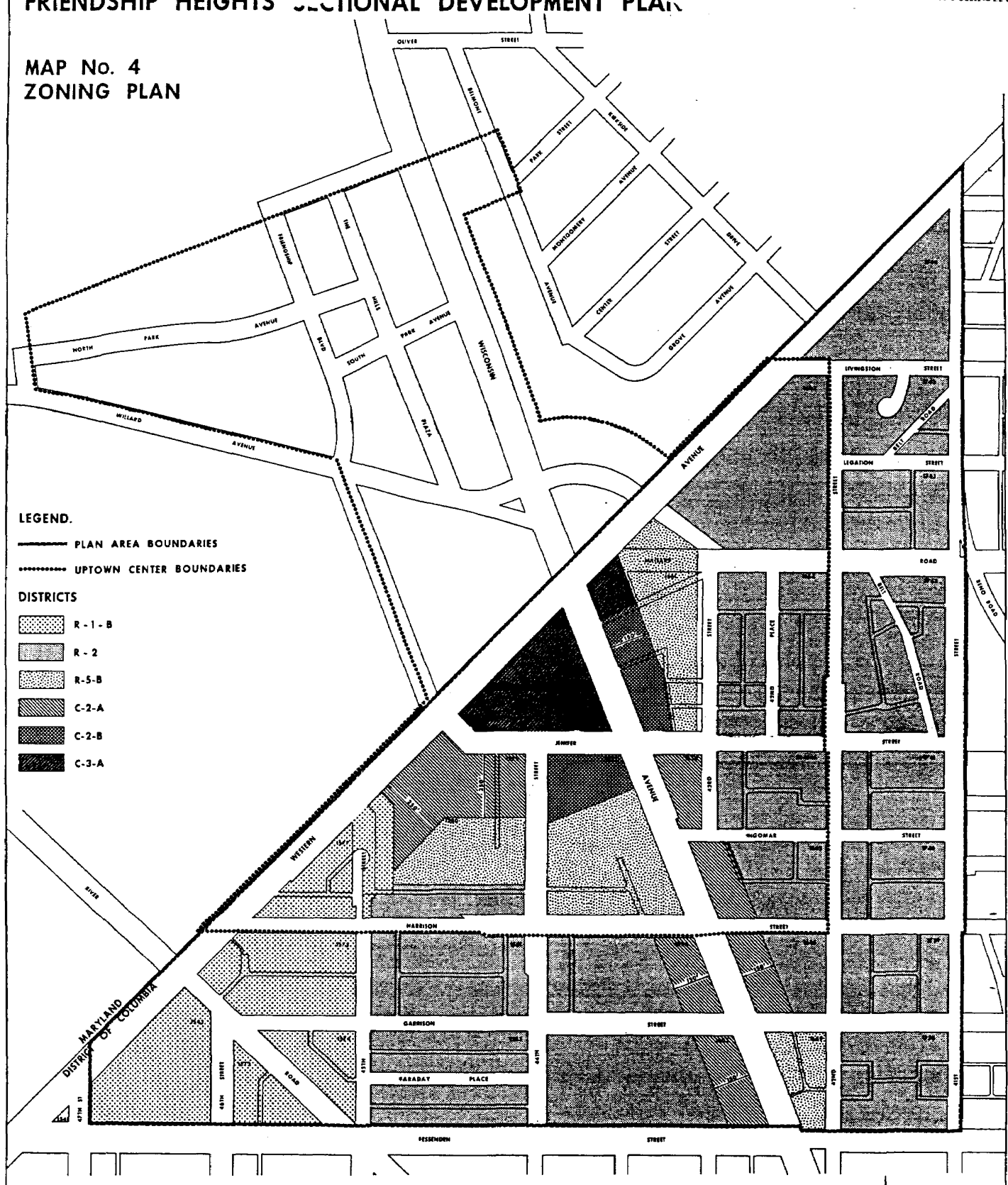
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W.C.F.C. MAP FILE NO. 73-00 (08-10) - 27234



FRIENDSHIP HEIGHTS SECTIONAL DEVELOPMENT PLAN

MAP No. 4 ZONING PLAN



LEGEND.

- PLAN AREA BOUNDARIES
- UPTOWN CENTER BOUNDARIES

DISTRICTS

- R-1-B
- R-2
- R-5-B
- C-2-A
- C-2-B
- C-3-A

RECOMMENDED ON OCTOBER 4, 1972 BY THE NATIONAL CAPITAL PLANNING COMMISSION, AND ADOPTED ON _____ BY THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA, PURSUANT TO SECTION 1202 OF THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA.

SCALE 1"=100'

N.C.P.C. MAP NO. 73.00 (04.20) - 27278

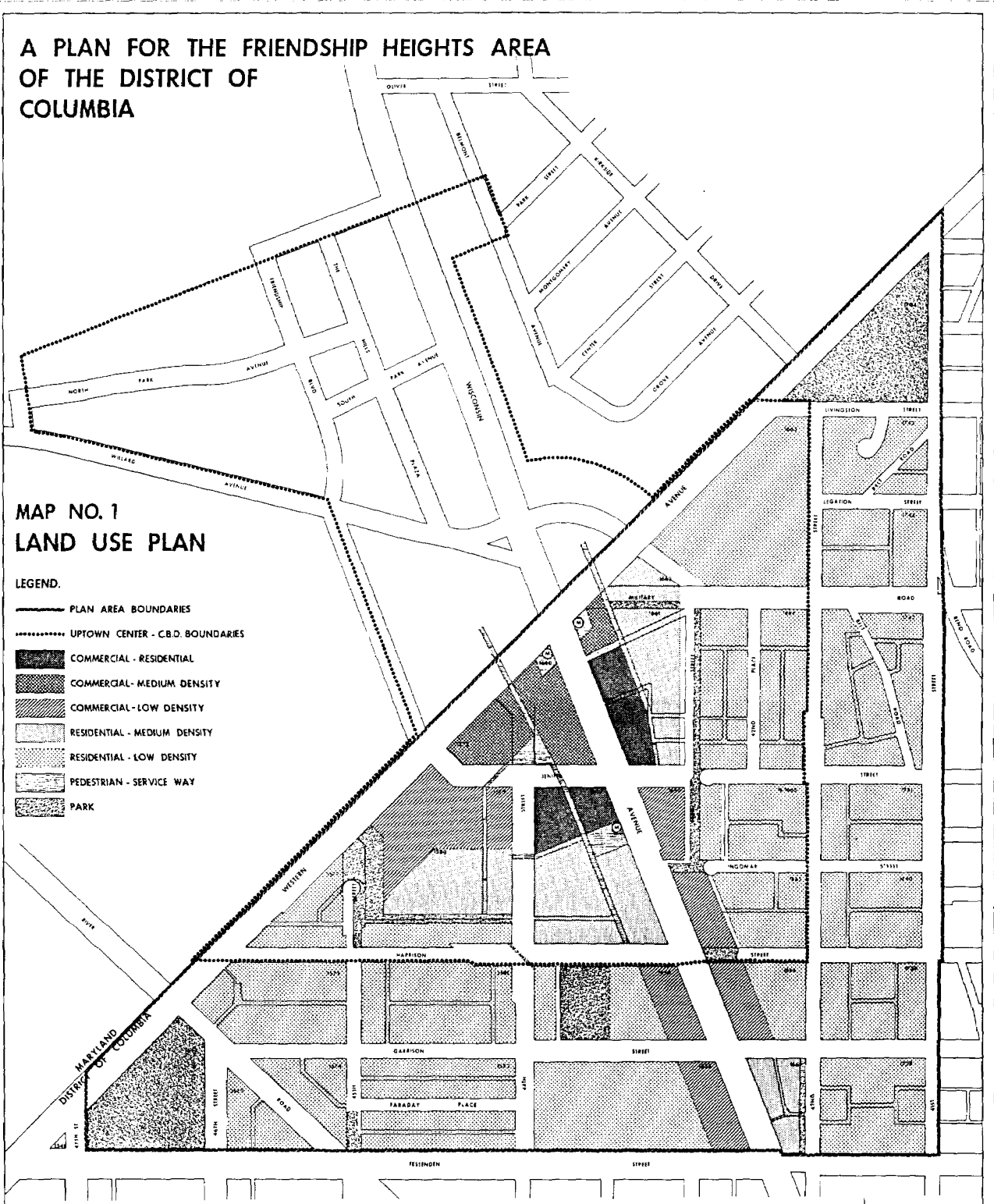


A PLAN FOR THE FRIENDSHIP HEIGHTS AREA OF THE DISTRICT OF COLUMBIA

MAP NO. 1 LAND USE PLAN

LEGEND.

- PLAN AREA BOUNDARIES
- UPTOWN CENTER - C.B.D. BOUNDARIES
- COMMERCIAL - RESIDENTIAL
- ▨ COMMERCIAL - MEDIUM DENSITY
- ▧ COMMERCIAL - LOW DENSITY
- ▩ RESIDENTIAL - MEDIUM DENSITY
- RESIDENTIAL - LOW DENSITY
- PEDESTRIAN - SERVICE WAY
- ▬ PARK



PREPARED BY THE INTERAGENCY TASK FORCE ON FRIENDSHIP HEIGHTS

MAY 31, 1973

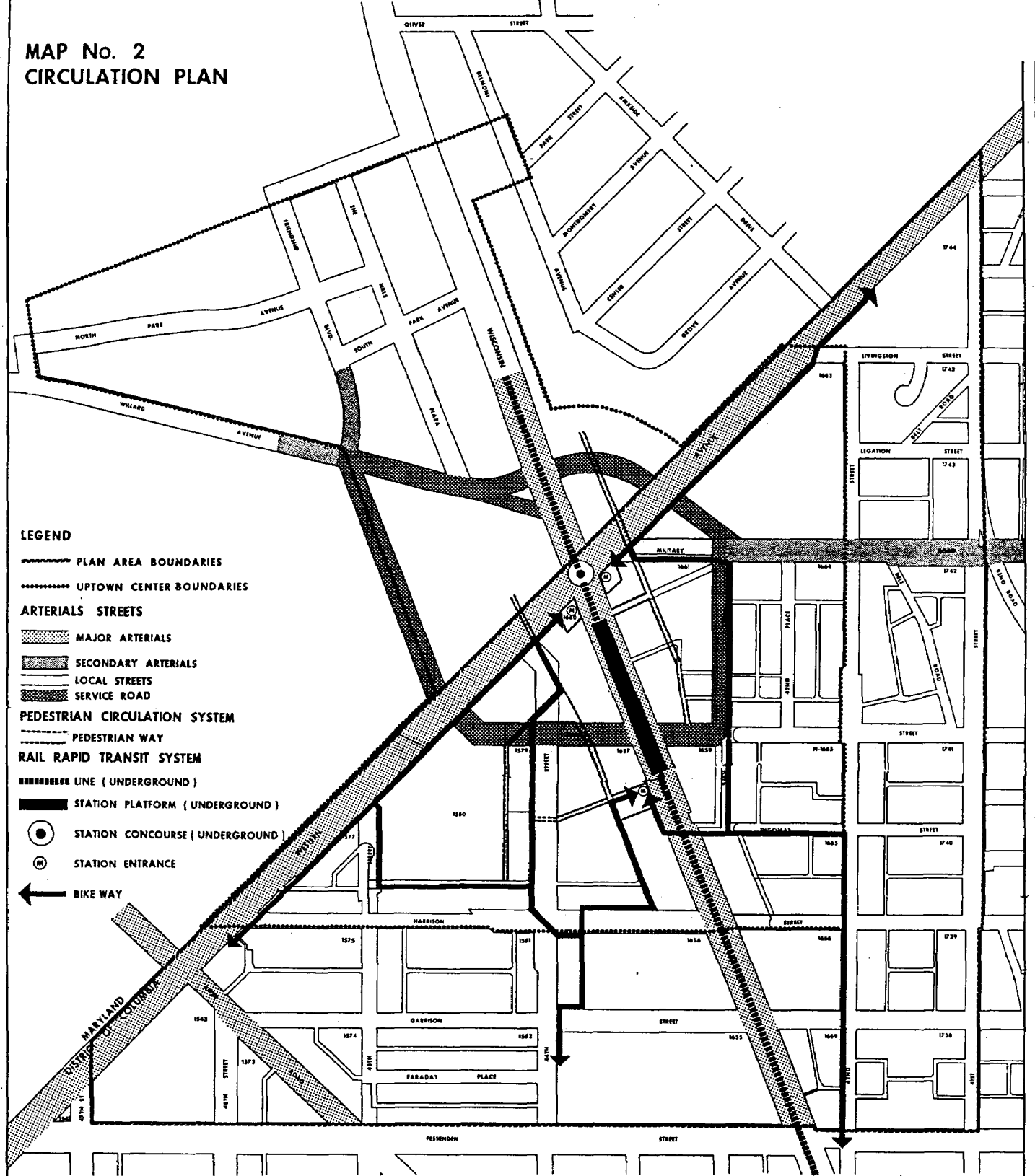
SCALE 1"=100'

D.C. P.C. MAP FILE NO. 7200 (0412) - 27233



FRIENDSHIP HEIGHTS SECTIONAL DEVELOPMENT PLAN

MAP No. 2 CIRCULATION PLAN



LEGEND

- PLAN AREA BOUNDARIES
- UPTOWN CENTER BOUNDARIES
- ARTERIALS STREETS**
- ▨ MAJOR ARTERIALS
- ▧ SECONDARY ARTERIALS
- ▬ LOCAL STREETS
- ▤ SERVICE ROAD
- PEDESTRIAN CIRCULATION SYSTEM**
- ▬ PEDESTRIAN WAY
- RAIL RAPID TRANSIT SYSTEM**
- ▬ LINE (UNDERGROUND)
- ▬ STATION PLATFORM (UNDERGROUND)
- STATION CONCOURSE (UNDERGROUND)
- ⊙ STATION ENTRANCE
- ← BIKE WAY

RECOMMENDED ON OCTOBER 4, 1973 BY THE NATIONAL CAPITAL PLANNING COMMISSION, AND ADOPTED ON _____ BY THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA, PURSUANT TO SECTION 1202 OF THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA.

SCALE 1"=100'

N. C. D. C. MAP FILE NO. 73.00 (41.00) - 27376



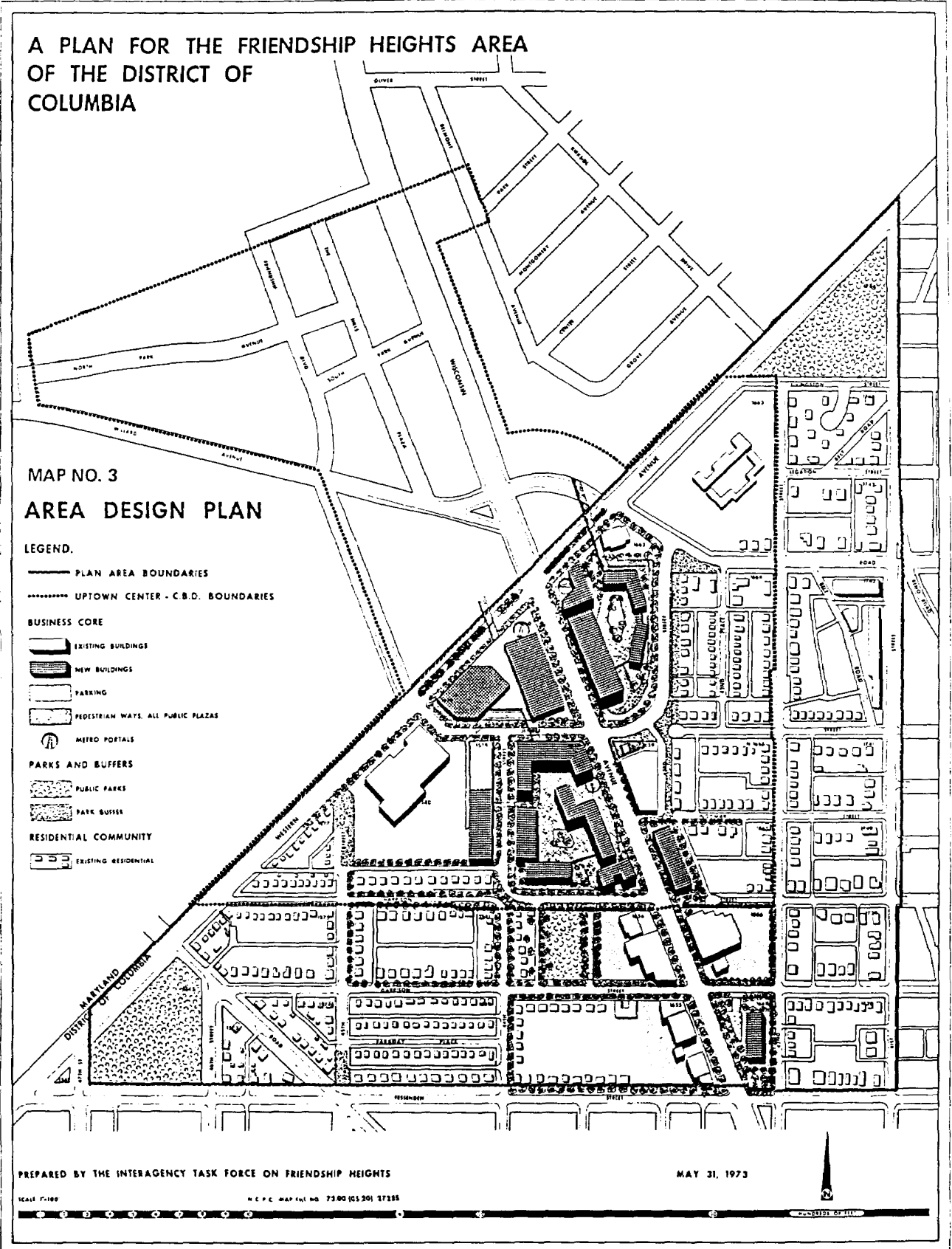
MUNICIPALITY OF WASHINGTON

A PLAN FOR THE FRIENDSHIP HEIGHTS AREA OF THE DISTRICT OF COLUMBIA

MAP NO. 3 AREA DESIGN PLAN

LEGEND.

- PLAN AREA BOUNDARIES
- UPTOWN CENTER - C.B.D. BOUNDARIES
- BUSINESS CORE**
 - EXISTING BUILDINGS
 - NEW BUILDINGS
 - PARKING
 - PEDESTRIAN WAYS, ALL PUBLIC PLAZAS
 - METRO PORTALS
- PARKS AND BUFFERS**
 - PUBLIC PARKS
 - PARK BUFFERS
- RESIDENTIAL COMMUNITY**
 - EXISTING RESIDENTIAL



PREPARED BY THE INTERAGENCY TASK FORCE ON FRIENDSHIP HEIGHTS

MAY 31, 1973

SCALE 1"=100'

D.C.P.C. MAP FILE NO. 73-00105-301 27235



ERRATA SHEET

Office of Planning Final Report, Zoning Commission Case No. 02-17 PUD
November 14, 2002

Page 1, second paragraph. Please note that the final proposal is for a 185,000 square foot building, a revisions from the previous 184,128 square foot building. All calculations in the OP report were based on 185,000 square feet.

Daycare Employee Parking Space Requirements: The 4 spaces reflect 1 space for every 4 employees, not 1 space for each of the 4 employees.